

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 UNITED STATES OF AMERICA,)
5)
6 Plaintiff,)
7 v.) Criminal Action
8 TAREK MEHANNA,) No. 09-10017-GAO
9 Defendant.)

10
11 BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
12 UNITED STATES DISTRICT JUDGE

13 DAY NINE
14 JURY TRIAL

15
16 John J. Moakley United States Courthouse
17 Courtroom No. 9
18 One Courthouse Way
19 Boston, Massachusetts 02210
20 Friday, November 4, 2011
21 9:08 a.m.

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I N D E X

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WITNESSES FOR THE GOVERNMENT:				

ALI ABOUBAKR (Cont'd)

by Ms. Bassil

4

E X H I B I T S

<u>DEFENDANT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
1093	Chat dated 4/28/06		53
1094	Instant message dated 2/5/06		61
1095- 1096	Instant messages	67	
97-98	Photographs of Abu Ghraib	105	
1096	April 2006 instant message between Ali Aboubakr and Tarek Mehanna	122	

1 (The following proceedings were held in open court
2 before the Honorable George A. O'Toole, Jr., United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Boston, Massachusetts, on November 4, 2011.

6 The defendant, Tarek Mehanna, is present with counsel.
7 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn
8 are present, along with Jeffrey D. Groharing, Trial Attorney,
9 U.S. Department of Justice, National Security Division.)

00:12 10 THE COURT: Good morning, jurors. May the witness
11 return to the stand.

12 MR. AUERHAHN: Yes.

13 THE COURT: All right, Miss Bassil.

14 MS. BASSIL: Yes. Thank you, your Honor.

15 CROSS-EXAMINATION BY MS. BASSIL:

16 Q. Good morning.

17 A. Good morning.

18 Q. Now, Mr. Aboubakr, you know Tarek because his father and
19 your father were friends?

00:14 20 A. Our families were good friends.

21 Q. Are they still good friends?

22 A. Yes.

23 Q. You knew, you said, Ahmed Abousamra because you were
24 friends with his younger brother?

25 A. And the family, yes.

1 Q. And the family. You used to go over his house and play
2 videos with the younger brother?

3 A. Yes.

4 Q. Went to school with them?

5 A. Yes.

6 Q. And Mr. Abousamra is in Syria now, is he not?

7 A. As far as I know.

8 Q. And he left in 2006 or 2007?

9 A. Around that time, yes.

00:15 10 MS. BASSIL: And if we could have Exhibit 741, please.
11 If we could -- I don't know if the jury has that, your Honor.

12 THE COURT: I think they do. There's a delay with the
13 public gallery of --

14 Q. These are two pictures of Mr. Abousamra, is that correct,
15 of Ahmed?

16 A. Yes.

17 Q. And the picture of him with the longer beard is an older
18 picture, is it not?

19 A. Yes.

00:15 20 Q. You knew him -- before he left, he had the more trimmed
21 beard, is that correct?

22 A. That's correct.

23 Q. In fact, you had a bit of a beard, didn't you, as well?

24 A. I tried, yes.

25 Q. You tried. And your hair was sort of longer and curlier?

1 A. Yes.

2 Q. Now, about eight or nine --

3 MS. BASSIL: We can take that off. Thank you.

4 Q. About eight or nine years ago, you had become closer
5 friends with Tarek, is that right?

6 A. That's correct.

7 Q. It was about 2000 or 2001?

8 A. Yeah, that's a good estimate, yeah.

9 Q. You sort of knew him because your families all went to the
00:16 10 Sharon mosque, is that right?

11 A. No.

12 Q. All right. You sort of knew him because the families knew
13 each other?

14 A. Right.

15 Q. Okay. Now, when you first -- but first you became closer
16 to Ahmed, is that right?

17 A. Yeah. I knew Ahmed better, or I got to know him better
18 before I got to know Tarek.

19 Q. Ahmed had become more religious around 2000 or so?

00:16 20 A. No. I would say it was a little bit prior to that.

21 Q. So before September 11th?

22 A. Yes, definitely.

23 Q. And you thought -- you felt he was knowledgeable about
24 Islam?

25 A. Yes.

1 Q. About theology?

2 A. Yes.

3 Q. And you, in fact, went to a conference in New York with
4 him, did you not?

5 A. Yes.

6 Q. And the conference was where a scholar spoke, is that
7 right -- the student of a scholar?

8 A. Yes.

9 Q. And that -- conferences where scholars or students of
00:17 10 scholars speak, that's not uncommon, correct?

11 A. At the time, it was not uncommon. It's more uncommon now.

12 Q. But at that time, there were often conferences in New
13 York, in New Jersey, where a scholar from Saudi Arabia or a
14 scholar from another part of the Arab world might come and talk
15 about what he knew about theology or law, correct?

16 A. Yes. And the number of times I've actually attended one
17 of these is very limited, but --

18 Q. And there was an institute in New Jersey that was known as
19 Al Magrib. Did you ever go to one of those?

00:18 20 A. Yes.

21 MS. BASSIL: If I may, your Honor, I'm just going to
22 write out so the jury can see the spelling of it. (Writing).
23 If we could post that.

24 THE COURT: They have it.

25 Q. And this was a conference that would take -- these would

1 take place on a weekend --

2 A. Yes.

3 Q. -- is that right?

4 And they were run by a man named Yasir Qadhi. I don't
5 know if I'm going to get this right. Is that correct?

6 A. No.

7 Q. I got the spelling wrong?

8 A. Yeah. It's Q-a --

9 Q. D-i?

00:18 10 A. Q-a-d-h-i.

11 Q. And he was a graduate student at Yale, is that correct?

12 A. Yes. But I'm also not -- I'm not sure -- he's not the one
13 that ran the institute. He was one of the instructors.

14 Q. He was one of the instructors. And you are familiar with
15 him, correct?

16 A. I am.

17 Q. Now, the conference that you went to with Ahmed back in
18 New York, do you recall that a scholar talked at the
19 conference?

00:19 20 A. Yes.

21 Q. And do you recall that this was a student of Al Albani?

22 A. Yes.

23 Q. Let me just spell that out. (Writing).

24 And Al Albani was a scholar from Saudi Arabia,
25 correct?

1 A. No.

2 Q. Where was he from?

3 A. Originally from Albania, but I believe he was raised in
4 Syria.

5 Q. In fact, by the time you went to the conference, he had
6 died, correct?

7 A. I don't remember the exact time frame.

8 Q. But at the conference, was the conference primarily in
9 Arabic when the scholar spoke?

00:20 10 A. Yes.

11 Q. And did you understand all of it?

12 A. Not much of it, no.

13 Q. How old were you when you went?

14 A. I don't remember how old I was exactly. I know -- I was
15 in middle school, I believe.

16 Q. And you were friends with Ahmed, correct?

17 A. Yes.

18 Q. Now, you -- at the time that you were friends with Ahmed
19 and Tarek, are you familiar with the term "salafi"?

00:20 20 A. Yes.

21 Q. (Writing). And salafi really speaks to kind of what you
22 follow in terms of your religion as a Muslim, correct?

23 A. That's correct.

24 Q. That it means you follow the Qur'an and the Sunnah,
25 correct?

1 A. Yes.

2 Q. Would you explain for the jury what the Sunnah is?

3 A. Well, it's basically just the prophetic or the tradition
4 of the prophet, what he said, what he did, how he behaved, et
5 cetera.

6 Q. So the Qur'an is about -- the prophet is Muhammad,
7 correct?

8 A. Yes.

9 Q. And the Sunnah is his tradition, correct?

00:21 10 A. Yes.

11 Q. There is a term, "The Companions." You're familiar with
12 that, are you not?

13 A. I am.

14 Q. And The Companions were the people who were basically the
15 first Muslims, correct?

16 A. That's correct.

17 Q. And they were The Companions of Muhammad?

18 A. Yes.

19 Q. There is sort of a body of work of what The Companions
00:22 20 reported about what Muhammad said, correct?

21 A. Yes.

22 Q. And those are called Hadiths?

23 A. Yes.

24 Q. How many Hadiths are there?

25 A. Hundreds of thousands.

1 Q. Hundreds of thousands, right?

2 A. Yes.

3 Q. And there are hundreds of thousands of them. And there
4 are also something about proving whether the prophet really
5 said this or whether somebody got it correct, right?

6 A. Yes.

7 Q. These are called the chains, whether or not the Hadith is
8 an accurate reporting?

9 A. Right.

00:22 10 Q. And this is a lifetime study, is it not?

11 A. Yes.

12 Q. There are -- many Muslims spend their entire life studying
13 the Hadith and the Qur'an and the Sunnah, correct?

14 A. That's correct.

15 Q. It doesn't matter how good your Arabic is or how well you
16 read or write, you still study all your life if you're
17 interested?

18 A. Yes.

19 Q. And Tarek was that kind of person, was he not? He was
00:22 20 very interested in this?

21 A. Yes.

22 Q. He studied theology, right?

23 A. Yes.

24 Q. And, also, there is a part of Islam that is called Fiqh,
25 right? (Writing).

1 A. Yes.

2 Q. And that means jurisprudence, correct?

3 A. Yes.

4 Q. And that's kind of the law about many things:

5 Inheritance, marriage, divorce, correct?

6 A. Yes.

7 Q. And also about when fighting is legitimate and when it's
8 not?

9 A. That's correct.

00:23 10 Q. And that, too, is a lifelong study?

11 A. Yes.

12 Q. There are volumes, hundreds, thousands of volumes written
13 on Hadiths and on Fiqh, correct?

14 A. Yes.

15 Q. And you were interested in this as well, were you not?

16 A. Yes.

17 Q. Now, when you were friends with -- and you were friends
18 with Tarek, were you not?

19 A. Yes, I was.

00:23 20 Q. When you were friends with Tarek and Ahmed, you didn't see
21 them all that often, did you?

22 A. What do you mean by "often"?

23 Q. Well, you would go for two or three months and not see
24 them, isn't that correct?

25 A. Yes.

1 Q. And you had other friends as well.

2 Now, you talked yesterday about this sort of group of
3 friends. And those included, Daniel Spaulding?

4 A. Yes.

5 Q. Ahmad Rashad?

6 A. Not so much me. I didn't see him very often.

7 Q. Insaf Rashad?

8 A. Who?

9 Q. Insaf?

00:24 10 A. I know Insaf, yes.

11 Q. Karim and Muhammad Serageldin?

12 A. Yes.

13 Q. Hamza Pelletier?

14 A. Yes.

15 Q. These were a number of local guys; you were all roughly
16 the same age, correct?

17 A. Roughly speaking, yes.

18 Q. And, in fact, at one point you sort of created a group to
19 study these Hadiths together, didn't you?

00:24 20 A. Yes.

21 MS. BASSIL: And if we could have Exhibit 607, please.
22 If we could have the second page, please.

23 Q. And do you see halfway down that page -- you're able to
24 see that page, correct? It's a little small.

25 A. Yes.

1 Q. And this is a conversation between -- an instant message
2 between you and Tarek, is that right?

3 A. Yes.

4 Q. And all of these instant messages that we looked at
5 yesterday, by the way, those were in 2006, were they not?

6 A. Around that time, yes.

7 Q. And did you instant message or instant chat with anyone
8 else?

9 A. Yes.

00:25 10 Q. Now, if you would look halfway down, you ask Tarek, "So
11 when are the new Hadiths coming?" Do you see that?

12 A. I do.

13 MS. BASSIL: If we could blow up that part. It's the
14 bottom half of the page. Do you see that?

15 Q. So you said to Tarek, "So when are the new Hadiths
16 coming?" By that you meant that your group would agree on
17 studying a particular verse, correct?

18 A. A particular Hadith, yes.

19 Q. A particular Hadith. You would write about it. You would
00:26 20 talk about it, correct?

21 A. Yes.

22 Q. And this was a way of deepening your knowledge of Islam?

23 A. Yes.

24 Q. This was something you wanted to do?

25 A. Yes.

1 Q. This is not something Tarek imposed on you?

2 A. No.

3 Q. So you said, "When are the new Hadiths coming?" And he
4 said, "Hmm, tomorrow I'll search through my books and get some
5 stuff." And you said, "Okay, cool." And you said, "Ibrahim
6 still didn't get his in." By that, you mean Ibrahim Ismail?

7 A. Yes.

8 Q. This was another friend of yours?

9 A. Yes.

00:27 10 Q. In fact, he went to that trip to New York that you went on
11 with Tarek?

12 A. Yes.

13 Q. And you said that he didn't get his in, meaning that you
14 were writing these up; you were writing up explanations of them
15 and sharing them with each other?

16 A. Yes.

17 Q. And he had not completed his?

18 A. Right.

19 Q. And you said, "I'm surprised," and Tarek said to you,
00:27 20 "Forget about it." Then you said, "Man, I can't believe that
21 group of ours barely lasted two months with this." That was
22 because -- what you were saying is that you had had the
23 intention of studying Hadiths, but you were all in college,
24 correct?

25 A. Yes.

1 Q. And school got in the way, did it not?

2 A. Yes.

3 Q. And life got in the way?

4 A. Yes.

5 Q. Periodically, you would return back to "we should go back
6 to studying"?

7 A. Yes.

8 Q. And that was important to you?

9 A. Yes.

00:27 10 Q. And that was not imposed upon you by Tarek?

11 A. No.

12 Q. Now, when you had this group of friends, you were all sort
13 of in your late teens, early 20s, young Muslim men, correct?

14 A. Yes.

15 Q. And it was not easy being a young Muslim man in America in
16 2006, was it?

17 A. No.

18 Q. Okay. You would talk about -- there were things about
19 where do you pray in the middle of the day. These are things

00:28 20 you would talk about, right?

21 A. Sure.

22 Q. Do you leave a class or leave an exam if you have to go
23 pray, right?

24 A. Yes.

25 Q. How do you deal with women in your class who want to talk

1 to you; those were things you talked about?

2 A. Yeah, yes.

3 Q. And you also had -- in Islam, drinking alcohol is
4 forbidden, correct?

5 A. Yes.

6 Q. And, certainly, doing any kind of recreational drugs is
7 forbidden?

8 A. Yes.

9 Q. And you also don't date, correct?

00:29 10 A. Yes.

11 Q. In fact, relationships with women are -- more or less go
12 through your parents, do they not?

13 A. Yes.

14 Q. That they approve the woman that you're interested in.
15 Her parents have to approve and so forth, correct?

16 A. There are variations of the process, but, yes.

17 Q. Right. You don't take women out to the movies and out to
18 dinner and things like that, correct?

19 A. Not supposed to.

00:29 20 Q. Not supposed to. This was -- also, you weren't going to
21 clubs, correct?

22 A. Yes.

23 Q. So as a group, you were -- you were all facing kind of the
24 same things, were you not?

25 A. Yes.

1 Q. And you would talk about these things, correct?

2 A. Yes.

3 Q. And you would struggle with them, would you not?

4 A. Yes.

5 Q. Tarek would offer his opinion on occasion, correct?

6 A. Yes.

7 Q. And so would Hamza Pelletier, correct?

8 A. Yes.

9 Q. Or Ibrahim Ismail, right?

00:30 10 A. Yes.

11 Q. You were a group of friends?

12 A. Yes.

13 Q. You weren't a terrorist cell?

14 A. I'm sorry?

15 Q. You weren't a terrorist cell?

16 A. No.

17 Q. After September 11th, it was more difficult being a Muslim
18 in America, was it not?

19 A. Yes.

00:30 20 Q. And it was -- people looked at you with suspicion?

21 A. Can you clarify the question?

22 Q. Well, did you feel that Americans were looking at you with
23 some level of suspicion or hostility?

24 A. I don't know if I myself felt that way personally, but it
25 is -- it was something that the community would discuss as a

1 problem that inflicted the Muslim community in America, yes.

2 Q. Had you taken any planes where you were delayed while you
3 were questioned?

4 A. During this time period?

5 Q. Yes.

6 A. No.

7 Q. But were aware it was something that was discussed in the
8 Muslim community, that when people went to get on a plane, they
9 were pulled aside?

00:31 10 A. Yes.

11 Q. Now, around 2000, 2001 or so, this group -- your group of
12 friends used to go to a center in Quincy; do you recall that?

13 A. Yes.

14 Q. What was the name of that? Was there a name for that?
15 Was it a Da'wah center?

16 A. No.

17 Q. But it was -- sorry.

18 A. Sorry. I believe the one you're referring to was the
19 Saudi -- they used to call it ned saudi (ph), which is like the
00:31 20 Saudi meeting place. So I don't know what the term is exactly.

21 Q. Let's go over that for the jury. The Saudi government at
22 some point was putting money in to helping Muslims in America
23 meet and study, correct?

24 A. Yes.

25 Q. And they were sending books over to the United States?

1 A. Yes.

2 Q. And the books -- and the books that they sent over were a
3 particular kind or a particular branch of Islam, were they not?

4 A. Yes.

5 Q. And what the Saudis were promulgating was something called
6 Wahabism, is that correct?

7 A. It's not the term I would use to describe it.

8 Q. How would you describe it?

9 A. I would say the word you mentioned earlier, that salafi
00:33 10 mentality or ideology.

11 Q. All right. But this was a more fundamentalist ideology,
12 correct?

13 A. Which one?

14 Q. Well, both of them.

15 A. More conservative, yes.

16 Q. More conservative. It was not modernist?

17 A. No.

18 Q. It was not secular?

19 A. No.

00:33 20 Q. And so there was a center in Quincy where the Saudi
21 government was paying the rent. And you and your friends would
22 go there on Sundays, is that right?

23 A. Yes.

24 Q. You would have a meal; you would eat and you would have a
25 class?

1 A. Yes.

2 Q. And you would talk, right?

3 A. Yes.

4 Q. Just like you had talked all the time --

5 A. Yes.

6 Q. -- correct?

7 And at some point the Saudi government stopped paying
8 the rent, and that sort of center moved to Roxbury, did it not?

9 A. I wasn't familiar with that connection at all, but --

00:33 10 Q. Did you ever go to the center in Roxbury?

11 A. Yes.

12 Q. Again, it was the same kind of thing. A group of people
13 would meet. You would study a Hadith or a particular part of
14 the Qur'an. You might have a meal. Correct?

15 A. Yes.

16 Q. Now -- and you wanted to -- when you had this group of
17 friends, it was more comfortable for you to hang out with
18 people who had the same experience as you, correct?

19 A. Yes.

00:34 20 Q. Now, after September 11th, there was a lot of discussion
21 about Osama bin Laden, was there not?

22 A. Yes.

23 Q. And there was a lot of discussion about the issue of the
24 West, meaning America and Europe and so forth, and Islam,
25 correct?

1 A. Yes.

2 Q. And how Muslims were being treated in other parts of the
3 world, that was a big discussion, was it not?

4 A. Yes.

5 Q. Among the community?

6 A. Yes.

7 Q. And among you as friends?

8 A. Yes.

9 Q. And there were American troops in Saudi Arabia, is that
00:35 10 correct?

11 A. As far as I know, yes.

12 Q. And the American troops were in Saudi Arabia from the
13 first Gulf War on, is that correct?

14 A. As far as I know, yes.

15 Q. And people were upset about this; Muslims were upset about
16 this, were they not?

17 A. Yes.

18 Q. The idea that there were American bases in the land of
19 Mecca and Medina?

00:35 20 A. Yes.

21 Q. And Mecca and Medina are two very -- they're the holist
22 places in Islam, are they not?

23 A. They are.

24 Q. And Mecca was where the prophet first spoke?

25 A. Yes.

1 Q. And he -- with his group, they were eventually driven from
2 Mecca and went to Medina?

3 A. That's correct.

4 Q. And, in fact, much of the Qur'an and the Hadiths talk
5 about the struggle that Muhammad and The Companions had in
6 their effort to be Muslims, correct?

7 A. Yes.

8 Q. They were -- let me write this down. (Writing).

9 They were monotheists, correct?

00:36 10 A. That's correct.

11 Q. That means they believed in one God?

12 A. Yes.

13 Q. Right? Much like Judaism and Christianity?

14 A. Right.

15 Q. But there were people in Saudi Arabia that believed in
16 idols, correct?

17 A. Yes.

18 Q. And they were called polytheists, right? (Writing).

19 A. Yes.

00:36 20 Q. So a good portion of the Qur'an and the Hadiths discuss
21 the struggles between Muhammad and his companions and the
22 polytheists, do they not?

23 A. Yes.

24 Q. And, in fact, the word "Jihad" begins with those
25 struggles?

1 A. I don't understand the question.

2 Q. Well, the word "Jihad" is in the Qur'an, is it not?

3 A. Yes.

4 Q. And it's in the Hadiths?

5 A. Yes.

6 Q. It's not a brand-new word?

7 A. No.

8 Q. It's thousands of years old?

9 A. Yes.

00:37 10 Q. And, in fact, it appears in the Qur'an in discussing the
11 battles that Muhammad would have with the polytheists, correct?

12 A. Yes.

13 Q. And it is very much a part of Islam, this concept of
14 defending Islam from people who attack it?

15 A. Yes.

16 Q. Now, yesterday when you were testifying, you said that
17 Ahmed talked about Zarqawi a great deal; do you recall that?

18 A. I do.

19 Q. (Writing). And Zarqawi was someone who eventually became
00:38 20 a leader in al Qa'ida, correct?

21 A. Yes.

22 Q. Now, you also said that Tarek was the same yesterday?

23 A. Yes.

24 Q. That wasn't true, was it?

25 A. I'm sorry?

1 Q. Well, it wasn't true that Tarek was as obsessed or talked
2 about Zarqawi the way Ahmed did?

3 A. Ahmed definitely talked about him more and was infatuated
4 with his personality, but Tarek certainly did discuss him as a
5 personality.

6 Q. And you did, too?

7 A. Yes.

8 Q. In the grand jury, you were asked what did Tarek say or
9 Ahmed or Daniel, and you said you couldn't remember; do you
00:38 10 remember that?

11 A. Yes.

12 Q. And in the grand jury -- let me get this straight. You
13 got a summons to go to the grand jury in this courthouse,
14 correct?

15 A. Yes.

16 Q. And you were scared when you got the summons?

17 A. Certainly.

18 Q. And you told your father?

19 A. Yes.

00:39 20 Q. And your family was scared for you?

21 A. Yes.

22 Q. You hired a lawyer?

23 A. Yes.

24 Q. And you were put in front of the grand jury?

25 A. Yes.

1 Q. And Mr. Chakravarty and Mr. Auerhahn were there, were they
2 not?

3 A. Yes.

4 Q. And they asked you a number of questions; do you recall
5 that?

6 A. Yes.

7 Q. How long were you there?

8 A. I don't remember exactly.

9 Q. More than an hour?

00:39 10 A. Yes.

11 Q. And were you nervous?

12 A. Yes.

13 Q. And you answered many questions that you couldn't
14 remember, correct?

15 A. As in I answered the questions with the answer, "I don't
16 remember"?

17 Q. Yes. In fact, you wanted Mr. Chakravarty and Mr. Auerhahn
18 to show you if they had any documents that could refresh your
19 memory, didn't you?

00:40 20 A. Yes.

21 Q. You were worried that you might say something that would
22 be contradicted by something you had said earlier, weren't you?

23 A. No. I was worried to say something that -- something that
24 my memory would -- or something that I would have forgotten and
25 say something that was -- that would counter something that I

1 had forgotten.

2 Q. You were worried you were going to say something different
3 than what you had said on another occasion?

4 A. No. I was worried to say something that -- I was worried
5 that my memory would not have served me correctly.

6 Q. Well, your memory would not have served you correctly
7 means that you knew there were documents out there, right?

8 A. Yes.

9 Q. You knew there were emails?

00:41 10 A. Yes.

11 Q. You knew there were these instant messages and chats,
12 correct?

13 A. Yes.

14 Q. You were worried that if you answered one way in the grand
15 jury and a chat or an email said something different, you would
16 be in big trouble?

17 A. That's correct.

18 Q. And at one point, Mr. Auerhahn told you that the immunity
19 order you had didn't protect you from perjury. He had to tell
00:41 20 you that, didn't he?

21 A. Yes.

22 Q. And at one point, he told you you were here to protect
23 yourself by giving full and truthful answers, and, hopefully,
24 after the break you will start doing that a little bit better
25 than you are doing so far. He said that to you, didn't he?

1 A. I do remember that, yes.

2 Q. And he told you to go chat with your lawyer, didn't he?

3 A. I don't remember him saying that, no.

4 Q. All right. Well, your lawyer was not allowed to be with
5 you in the grand jury, correct?

6 A. Right.

7 Q. You were in there alone?

8 A. Yes.

9 Q. And at least on two occasions Mr. Auerhahn had to point
00:42 10 out to you that you needed to improve your memory, didn't he?

11 A. Yes.

12 Q. Now, on September 23rd of this year, in the fall of this
13 year --

14 A. Uh-huh.

15 Q. Right?

16 You met with Mr. Auerhahn, Mr. Chakravarty, right?

17 A. I'm trying to remember that meeting. Yes, yes.

18 Q. Heidi Williams, the FBI agent, was there?

19 A. Yes.

00:42 20 Q. A Special Agent Genck, or Genck, was there?

21 A. I don't know if that was -- if that was his name.

22 Q. There was a male who was there who was an FBI agent; you
23 just don't remember his name?

24 A. Yes.

25 Q. And your father was there?

1 A. Not in the room, but --

2 Q. He came with you?

3 A. He -- I believe he dropped me off.

4 Q. And your attorney was there?

5 A. Yes.

6 Q. And for the first time -- and you were there to help
7 prepare your testimony, correct?

8 A. Yes.

9 Q. And did you meet with Mr. -- how long did you meet that
00:43 10 day?

11 A. I can't remember exactly. Ballpark, three, three to four
12 hours, maybe.

13 Q. And did you meet again with anybody in the U.S. Attorney's
14 Office or the FBI after September 23rd?

15 A. Yes.

16 Q. When?

17 A. Last Monday.

18 Q. All right. Who did you meet with?

19 A. It was Jeff and Tom Daly.

00:44 20 Q. So you called Mr. Auerhahn "Jeff." Does he call you by
21 your first name?

22 A. He does.

23 Q. And "Tom" is the special agent in the case, Tom Daly?

24 A. Yes.

25 Q. And how long did you meet last week?

1 A. And my lawyer was present as well.

2 Q. And your lawyer was present. That's Mr. Sheketoff?

3 A. Yes.

4 Q. How long did you meet?

5 A. Four hours, four and a half hours.

6 Q. So that's a total of seven hours after you were in the
7 grand jury that you met in order to go over what your testimony
8 would be yesterday and today, correct?

9 A. Yes.

00:44 10 Q. And for the first time, on September 23rd, you said you
11 watched videos at Tarek's house, correct?

12 A. Yes.

13 Q. You didn't say that in the grand jury?

14 A. I can't recall.

15 Q. And for the first time yesterday, you said Tarek -- I'm
16 sorry. For the first time, on September 23rd, you said that
17 Tarek gave you a CD about the September 11th hijackers,
18 correct?

19 A. Yes.

00:45 20 Q. And for the first time, on September 23rd, you talked
21 about that Ahmed said September 11th was justified because the
22 people killed there were part of the financial infrastructure;
23 that's what you said yesterday, correct?

24 A. It's a paraphrase of what I said yesterday.

25 Q. It's a paraphrase of what you said yesterday, right?

1 A. Yes.

2 Q. And it's a paraphrase of what you said on September 23rd?

3 A. Yes.

4 Q. And you didn't say that in the grand jury?

5 A. I don't recall.

6 Q. And you couldn't remember the specific conversations with
7 Ahmed about this, could you?

8 A. No.

9 Q. And you also said that Tarek thought September 11th was
00:45 10 retaliation for what had happened in Arab lands?

11 A. Yes.

12 Q. You understood what he meant by that?

13 A. Yes.

14 Q. If fact, you thought that as well at the time, right?

15 A. Yes.

16 Q. What you thought -- let me see if I've got this right.
17 What you looked at and what you knew about was places in the
18 world where Muslims had suffered --

19 A. Yes.

00:46 20 Q. -- right?

21 And they had suffered at the hands of Western nations,
22 correct?

23 A. Yes.

24 Q. Or -- well, let me go through this. So, for example, you
25 were -- you felt that -- and you knew about that there were

1 sanctions against Iraq and that there was -- lots of children
2 died because medicine couldn't come in, right?

3 A. Yes.

4 Q. You knew about that?

5 A. Yeah.

6 Q. Did you watch Al Jazeera?

7 A. Not much, but --

8 Q. On occasion?

9 A. Yes.

00:46 10 Q. And there were a lot of documentaries about that?

11 A. About what specifically?

12 Q. About U.N. sanctions and about the high rate of children
13 dying in Iraq because medicine couldn't come in.

14 A. Yes.

15 Q. And you felt badly about that?

16 A. Yes.

17 Q. And, in fact, part of being a Muslim and part of Islam is
18 that you belong to something called the Ummah, right?

19 A. Yes.

00:47 20 Q. And the Ummah -- (writing). Did I get it right?

21 A. Yes.

22 Q. That refers to the community as a whole --

23 A. Yes.

24 Q. -- correct?

25 And what it means is sort of all Muslims as a whole?

1 A. Yes.

2 Q. So that if a Muslim child dies in Iraq because they don't
3 get medication, you felt that that's part of your family,
4 right?

5 A. Yes.

6 Q. And Tarek felt that way?

7 A. Yes.

8 Q. And the other guys that you hung around, you used to talk
9 about that?

00:47 10 A. Yes.

11 Q. Right?

12 And then there was the issue of the bases in Saudi
13 Arabia, correct?

14 A. Yes.

15 Q. That there -- you felt that the United States was going
16 into Arab lands and that they were going to take over, right?

17 A. Not sure I felt that that was the ultimate ending to the
18 story, but --

19 Q. That was something that was discussed, right?

00:48 20 A. That the U.S. would take over Arab lands?

21 Q. Yes.

22 A. Can't recall that being said specifically, but --

23 Q. And there were discussions also that there had been
24 Muslims in Chechnya, right? Chechnya was a part of the Soviet
25 Union, correct?

1 A. As far as I know, yes.

2 Q. And there were Muslims -- there was a Muslim population in
3 Chechnya, right?

4 A. Yes.

5 Q. Correct?

6 And they were being wiped out by Russians?

7 A. Yes.

8 Q. It was ethnic genocide, right?

9 A. I had never heard it been described that way, but, yeah, I
00:49 10 could agree, yes.

11 Q. I'm sorry. I didn't mean to cut you off.

12 People were being killed because they were Muslims?

13 A. Right.

14 Q. And there was also something similar going on in Bosnia?

15 A. Yes.

16 Q. People were being killed because they were Muslims?

17 A. Yes.

18 Q. And the sense, the feeling, that you had around September
19 11th was that Muslims all over the world were hurting?

00:49 20 A. Yes.

21 Q. And that in some ways, that when September 11th happened,
22 the United States maybe understood what it felt like?

23 A. Could you repeat the question? I'm sorry.

24 Q. That on September 11th when the World Trade Center went
25 down and many people died, that there was -- you had a sense

1 that -- not entirely -- that now the United States feels what
2 we feel?

3 A. Yes.

4 Q. They know what it's like for their fellow citizens to be
5 killed?

6 A. Yes.

7 Q. And all you guys talked about this, right?

8 A. Yes.

9 Q. Now, yesterday you said that -- actually, let me go back
00:50 10 for a minute.

11 In the grand jury, you testified that Ahmed talked
12 about Zargawi quite a bit, a lot, correct?

13 A. Yes.

14 Q. You never told the grand jury that Tarek said that, that
15 Tarek talked about him?

16 A. I can't recall.

17 MS. BASSIL: Well, I think the way this works is the
18 witness looks at it; is that correct, your Honor?

19 THE COURT: It is.

00:51 20 Q. If you would look at -- this is Page 31 of the jury. If
21 you would look at Line 17 and just read it to yourself.

22 A. (Witness complies.)

23 Q. Have you read that?

24 A. Yes.

25 Q. And you were asked, "So you had said Abousamra talked

1 about Zargawi a lot," and you said, "Yes"?

2 A. Yes.

3 Q. And you also talked about another scholar they talked
4 about?

5 A. Yes.

6 Q. That was mentioned to you, and his name was Al Maqdisi?

7 A. Yes.

8 Q. The prosecutors asked you if they, meaning Tarek and
9 Ahmed, would talk about Al Maqdisi a lot, right?

00:52 10 A. Yes.

11 Q. You said, "Tarek not so much, Ahmed and Dan"?

12 A. Yes.

13 Q. By "Dan," you meant Dan Spaulding?

14 A. Yes.

15 Q. Nowhere on that page did you say Tarek talked about
16 Zargawi a lot too; you didn't say that, did you?

17 A. I said "not so much."

18 Q. You said "not so much."

19 Now, I think yesterday you read a message chat about
00:52 20 missing the old Ahmed; do you recall that?

21 A. Yes.

22 MS. BASSIL: Can we have Exhibit 623, please. If we
23 could have the third page.

24 Q. Now, this was a chat --

25 MS. BASSIL: If we could pull up -- I'm sorry. I'm

1 going to have to keep going. Not the third page. Fifth. I'm
2 sorry. Yes, thank you. If we could pull that up.

3 Q. In fact, this chat with Tarek was about a sermon you were
4 going to give on a Friday, is that right?

5 A. Yes.

6 Q. And you were asking him for help with it?

7 A. Yes.

8 Q. And you were going to -- was this when you were at UMass
9 Amherst?

00:53 10 A. Yes.

11 Q. The date would have been April 28, 2006.

12 A. No. I may have been at UMass Boston at that point.

13 Q. Do you recall Tarek coming out to see you at Amherst?

14 A. Yes.

15 Q. In fact, you had an apartment with -- who did you share an
16 apartment with?

17 A. Hassan Masood.

18 Q. And Tarek came out to visit you, didn't he?

19 A. Yes.

00:54 20 Q. You guys spent the weekend. You watched a Jet Li movie?

21 A. That sounds right.

22 Q. I'm sorry. It was a Tony Jaa movie.

23 A. Yes, yes.

24 Q. Who is a martial arts fighter?

25 A. Yes.

1 Q. And you also went to see The Hills Have Eyes?

2 A. During this time frame?

3 Q. Yes.

4 A. We did see the movie. I don't remember where or when.

5 Q. You used to go to the movies with Tarek?

6 A. Yes.

7 Q. And you used to go out to eat?

8 A. Yes.

9 Q. You were friends?

00:54 10 A. Yes.

11 Q. Now, on this particular chat, you were talking about the
12 sermon. And he asked you if there was a sound system, right?

13 A. Yes.

14 Q. And you -- you made a joke, all right. Do you see that?
15 You said, "Because the Jews invented the microphones and they
16 installed chips in all of the mix" -- "mix" is mic, right?

17 A. Yes.

18 Q. And Tarek said, yada, yada, yada. And you said, "That was
19 a pathetic attempt to imitate Ahmed," correct?

00:55 20 A. Yes, and the joke was in quotations.

21 Q. What you meant by that was Ahmed had become more severe,
22 correct?

23 A. That's not directly what I meant by it, but the
24 implication was there, yes.

25 Q. And, in fact, you said yesterday that he brought a level

1 of insanity into his beliefs. I don't know if you meant
2 beliefs.

3 A. His personality.

4 Q. His personality, I'm sorry.

5 A. Yes.

6 Q. You meant by that, what, that he had gotten very intense?

7 A. That's a good description, yes.

8 Q. He didn't like people disagreeing with him?

9 A. No.

00:55 10 Q. And he would also -- let me ask you about this word.

11 (Writing).

12 You know this word, "takfir"?

13 A. Yes.

14 Q. And that means someone who's not Muslim, right?

15 A. No.

16 Q. It's a little more negative than that, isn't it?

17 A. No. It's not even a noun. It's just -- it's the act of
18 calling somebody a disbeliever.

19 Q. Disbeliever. And Ahmed, at around this point in time,
00:56 20 called lots of people disbelievers who didn't agree with him,
21 didn't he?

22 A. Yeah, yes.

23 Q. He was quick to do that?

24 A. Yes.

25 Q. And Tarek was not; he didn't do that?

1 A. No.

2 MS. BASSIL: Now, going back to that page, if we
3 could. This was Exhibit 623. Thank you. If we could make it
4 a little bigger? Is that possible? Let's start with "pathetic
5 attempt to imitate Ahmed."

6 Q. And Tarek wrote, "haha," meaning funny, right?

7 A. Yes.

8 Q. And you wrote the same thing. And then Tarek said, "He
9 thinks I'm a Jewish conspiracy now"?

00:57 10 A. Yes.

11 Q. In fact, one of the things -- one of the other things that
12 was upsetting when we were talking about Bosnia and Chechnya
13 was also the United States support of Israel, correct?

14 A. Yes.

15 Q. In fact, you felt connected to Palestinians who lived on
16 the West Bank, did you not?

17 A. Yes.

18 Q. And you felt emotionally connected to Palestinians who
19 lived in Gaza, did you not?

00:57 20 A. Yes.

21 Q. And you were upset by bombings that occurred in Gaza and
22 on the West Bank, correct?

23 A. Yes.

24 Q. And you also felt that Israel did not have a right to
25 exist, correct?

1 A. Yes.

2 Q. That it had stolen Arab land?

3 A. Yes.

4 Q. And the United States had supported that?

5 A. Yes.

6 Q. Now, then you said, "Man, I miss the Ahmed from a few
7 years ago. Man, he's an awesome brother, but before, I learned
8 something from him just spending half a minute with him,"
9 right?

00:58 10 A. Yes.

11 Q. Now, when you said there was an element of insanity about
12 Ahmed, was he also talking a great deal about fighting, Jihad?

13 A. Yes.

14 Q. Now, in the grand jury, you said you couldn't recall any
15 specifics about that?

16 A. I don't recall if that was my answer, but --

17 MS. BASSIL: If we could -- let me move on from that
18 for a minute.

19 Q. You certainly -- yesterday was the first time you said
00:59 20 that there was an element of insanity about Ahmed, correct?

21 A. I expressed that before.

22 Q. Not in the grand jury?

23 A. No.

24 Q. Not in the interview on September 23rd?

25 A. I don't recall, but in one of those interviews, I did.

1 Q. Was it in the interview after September 23rd?

2 A. I believe so.

3 Q. And that was something new, was it not, that you had said
4 for the first time?

5 A. Yes.

6 Q. Now, in any case, you did not see Tarek that way?

7 A. No.

8 Q. Now, I want to talk for a minute about Osama bin Laden.

9 Yesterday we -- or you read an instant message or a chat about
01:00 10 when Tarek had gone and looked at a book; do you recall that?

11 A. Can you be more specific?

12 MS. BASSIL: Well, if I may, your Honor.

13 Q. Now, this was the book, Messages to the World, the
14 statements of Osama bin Laden?

15 A. Yes.

16 Q. And you bought this book, did you not?

17 A. I did.

18 Q. And you read all of it?

19 A. No.

01:00 20 Q. Did you read any of it?

21 A. Bits and pieces.

22 Q. Well, it's -- it's 275 pages, correct?

23 MS. BASSIL: If I may, your Honor.

24 A. Yes.

25 Q. And the print is quite small, is it not?

1 A. Yes.

2 Q. And you said you read parts of it?

3 A. Yes.

4 Q. And at that time, when you had that chat with Tarek back
5 in 2006, you admired Osama bin Laden, didn't you?

6 A. Yes.

7 Q. You admired the fact that he was someone who was very
8 wealthy and had given up his wealth?

9 A. Yes.

01:01 10 Q. And that he fought in the first Afghanistan war?

11 A. Yes.

12 Q. And let's talk about that for a moment because there's
13 been references to it. But maybe we can clear some of this up.
14 You know about it?

15 A. I think so, yes.

16 Q. You knew that in 1979 the Soviets invaded Afghanistan?

17 A. Yes.

18 Q. And they established Communist rule?

19 A. Yes.

01:02 20 Q. And they were wiping out local -- the local Muslim
21 population, correct?

22 A. Yes.

23 Q. In Afghanistan, people are Muslim; it is a Muslim country,
24 is it not?

25 A. Right.

1 Q. And the Russians came in with tanks and planes, did they
2 not?

3 A. Yes.

4 Q. And the Afghans were trying to fight back, but they were
5 on horses, right?

6 A. Yes.

7 Q. And old cars --

8 A. Yes.

9 Q. -- right?

01:02 10 And they didn't have much in the way of guns and
11 ammunition, correct?

12 A. Yes.

13 Q. And they were being wiped out, weren't they?

14 A. Yes.

15 Q. And, in fact, scholars -- there was a call that other
16 Muslims should help, right?

17 A. Yes.

18 Q. And are you familiar with -- (writing).

19 Are you familiar with that name, Abdullah Azzam?

01:03 20 A. Yes.

21 Q. And Abdullah Azzam was someone who actually came to the
22 United States and talked, didn't he?

23 A. Yes.

24 Q. And he recruited people to go and fight in Afghanistan?

25 A. Yes.

1 Q. And, in fact, the United States supported him, did they
2 not?

3 A. Yes.

4 Q. They gave guns and Stinger missiles to the Afghans?

5 A. Not sure, but --

6 Q. But you know that they gave ammunition and money and
7 support?

8 A. Yes.

9 Q. And Osama bin Laden was in Afghanistan, was he not?

01:03 10 A. Yes.

11 Q. And he fought in a battle, correct?

12 A. Yes.

13 Q. And the battle was known as the Lion's Den, is that right?

14 A. Yes.

15 Q. That was the name of his group in Afghanistan?

16 A. I'm sorry?

17 Q. That was the name of where he was in Afghanistan, the
18 Lion's Den; that's what he called it?

19 A. I wasn't -- I'm not familiar with that.

01:04 20 Q. But you are familiar with the term "The Lion's Den"?

21 A. Yes.

22 Q. And that was in the first Afghan war?

23 A. Right.

24 Q. Now -- and you testified about that yesterday?

25 A. To which part exactly?

1 Q. You said yesterday you knew that the Lion's Den was what
2 happened, that Osama bin Laden fought at the Lion's Den in
3 Afghan -- in Afghanistan?

4 A. I don't remember that coming up yesterday.

5 Q. Do you recall yesterday -- well, let's bring that up.
6 Strike that. I'm sorry.

7 Do you recall yesterday -- and this would be Page 29
8 of the transcript. Mr. Auerhahn said, "Let me just stop you
9 for a second. When you talk about the Lion's Den" --

01:05 10 MR. AUERHAHN: Your Honor, I object to reading
11 testimony.

12 THE COURT: Yeah. You can show it to him.

13 Q. If you would look at those lines that I marked. Do you
14 see that?

15 A. Yes.

16 Q. Does that refresh your memory that yesterday you talked
17 about Osama bin Laden as being the commander of the Lion's Den?

18 A. Yes.

19 Q. Yes?

01:06 20 A. Yes.

21 Q. And that was a battle that took place between the
22 mujahideen and the Soviets? You see that?

23 A. I don't remember the -- was this yesterday?

24 Q. Yes, this was yesterday. You said this yesterday. Will
25 you agree with me you said this yesterday?

1 A. I'm sorry?

2 Q. You said this yesterday, correct?

3 A. Yes.

4 Q. Now, do you recall in the grand jury you talked about the
5 Lion's Den and said, "I think it happened in Tora Bora shortly
6 after September 11th"?

7 A. I don't recall.

8 MS. BASSIL: Page 95.

9 Q. If you would look at Line 12 to Line 20 to yourself.

01:07 10 A. (Witness complies.)

11 Q. Have you read that?

12 A. Yes.

13 Q. In fact, you were asked about the Lion's Den in the grand
14 jury, were you not?

15 A. Yes.

16 Q. And you said that, "I think it was some fierce battle. I
17 think it happened in Tora Bora shortly after September 11th,"
18 correct?

19 A. Yes.

01:08 20 Q. And that was wrong, what you said in the grand jury,
21 historically and factually, right?

22 A. Yes.

23 Q. And did the prosecutors tell you it was wrong?

24 A. No.

25 Q. Did they correct you about it?

1 A. No.

2 Q. Somehow you learned it was -- you learned what the correct
3 answer was, is that right?

4 A. Yes.

5 Q. Between the grand jury and when you testified yesterday?

6 A. Yes.

7 Q. Now, did the prosecutors ask you to read things?

8 A. Yes.

9 Q. What did they ask you to read?

01:08 10 A. The conversations that I had with Tarek.

11 Q. Oh. And so that helped you correct your memory?

12 A. Yes.

13 Q. I see. Now, let's go back to Osama bin Laden, all right?
14 The admiration for him was also because he lived very simply,
15 correct?

16 A. Yes.

17 Q. Despite being a man -- he was from a family of enormous
18 wealth, isn't that right?

19 A. Yes.

01:09 20 Q. His father had built the roads to Mecca and Medina?

21 A. Yes.

22 Q. He was the chief engineer for the Saudi government?

23 A. Yes.

24 Q. So one of the things that Muslims admired about bin Laden
25 was that he lived simply?

1 A. Yes.

2 Q. And he was religious, correct?

3 A. Yes.

4 Q. He was pious?

5 A. Yes.

6 Q. He prayed five times a day?

7 A. I couldn't be sure, but the assumption is, yes.

8 Q. And you felt that way; you admired him?

9 A. Yes.

01:09 10 Q. And when Tarek talked about Osama bin Laden -- and we
11 looked at that conversation yesterday -- you agreed with him?

12 A. Yes.

13 Q. He wasn't influencing you; this was something you felt?

14 A. Yes.

15 Q. Now -- and, in fact, Tarek said --

16 MS. BASSIL: Could we have Exhibit 6 -- I think it's
17 Page 6. It would be 150 or 635. Next page.

18 Q. In fact, this is the same conversation you had with Tarek
19 about the sermon that you were going to give and about how you
01:10 20 missed Ahmed. This is the same chat, is it not?

21 A. I'm sorry. The same chat as --

22 Q. The same chat as we looked at earlier. It started out
23 talking about your sermon and about how you missed Ahmed. And
24 you went on to talk about other things?

25 A. I can't be certain it's the same conversation.

1 MS. BASSIL: We don't need to show the jury. Just
2 show the witness the pages in sequence, starting with the first
3 page.

4 Q. This was Friday, April 28th, all right?

5 MS. BASSIL: If we could go to the next page.

6 Q. You asked him about giving a sermon, correct?

7 A. Yes.

8 MS. BASSIL: In fact, if you could blow up that page,
9 145, and the bottom half.

01:11 10 Q. Why don't we start with, "Did I ever show you the
11 Hadith?," which would be right about the middle.

12 So, in fact, Tarek said to you, "Did I ever show you
13 the Hadith of how to get a million good deeds?" Do you see
14 that?

15 A. Yes.

16 Q. And he said he was reading through Sahih Al-Jami. That
17 was a classical text?

18 A. Not sure if it was a classical text or not.

19 Q. But it was a Hadith, was it not?

01:12 20 A. Yes.

21 Q. And he gave you an entire -- he typed out for you the
22 entire Hadith, did he not?

23 A. He did.

24 MS. BASSIL: If we could go to the next page.

25 Q. And, again, he told you stories, Hadiths, and parables

1 from the Qur'an, did he not?

2 A. Yes.

3 Q. This was in an effort for the two of you to kind of figure
4 out what your sermon could be?

5 A. Yes.

6 MS. BASSIL: Could we have the next page, please.

7 Q. And, in fact, Tarek --

8 MS. BASSIL: If you could please publish this for the
9 jury. Blow up the top part, I would say the first half, right
01:13 10 there, to there.

11 Q. In fact, Tarek said to you, "Some more advice. Don't just
12 concentrate on the hatred of kuffar or the disbelievers. You
13 want to build a wall of honor of Islam, show examples of how
14 Islam is superior to disbelievers," correct? Do you see that?

15 A. Yes.

16 Q. In fact -- so Tarek, in fact, was talking to you about
17 being positive about Islam --

18 A. Yes.

19 Q. -- right?

01:13 20 Not being forceful or negative, correct?

21 A. Right.

22 Q. In fact, Tarek often talked about showing other people the
23 way to Islam, did he not?

24 A. Yes.

25 Q. And that's part of being a good Muslim, is it not, to talk

1 to people about Islam?

2 A. Yes.

3 Q. To get people interested and see if they might want to
4 convert?

5 A. Yes.

6 Q. And you don't do that in a forceful way, correct?

7 A. Right.

8 Q. You're supposed to do that in a respectful way?

9 A. Absolutely.

01:14 10 Q. Saying here's something that you might be interested in,
11 right?

12 A. Right.

13 Q. Here's something that might be a better life, correct?

14 A. Yes.

15 Q. In fact, Tarek used to print up fliers, did he not?

16 A. Fliers of what?

17 Q. Of -- about Islam, things that might be distributed to
18 people?

19 A. I'm not sure.

01:15 20 MS. BASSIL: Mr. Auerhahn, I'm going to show Page 154
21 which is not an exhibit, 6SFT639. I'm just going to start with
22 637 to orient the witness as to the time and date. Have it?

23 MR. AUERHAHN: Yup.

24 MS. BASSIL: If we could publish this to the jury,
25 your Honor?

1 THE COURT: What is it?

2 MS. BASSIL: This is a chat from April 28, 2006.

3 MR. AUERHAHN: It's not one of the exhibits, your
4 Honor. It would be a new defense exhibit.

5 THE COURT: You're offering it as a new exhibit?

6 MS. BASSIL: Yes.

7 THE COURT: What's the next number?

8 MS. BASSIL: Good question.

9 THE COURT: 1080?

01:16 10 MS. BASSIL: 1093, your Honor.

11 THE COURT: So there's no objection to this?

12 MR. AUERHAHN: No, your Honor.

13 THE COURT: It will come in as Exhibit 1093.

14 (Exhibit No. 1093 received into evidence.)

15 MS. BASSIL: If we could publish this to the jury. I
16 think --

17 THE COURT: I think they have it. Do you have it?
18 No?

19 MS. BASSIL: I don't see it on there.

01:17 20 THE COURT: Yes, okay. They have it now.

21 MS. BASSIL: We have it now, okay.

22 Q. If you can see that this is Friday, April 28th, 16:11:39,
23 2006, correct?

24 A. Yes.

25 Q. Now, I'm going to turn to the middle of this chat. Do you

1 see where -- right here, this is Tarek, Sayf Maslool, correct?

2 A. Yes.

3 Q. And he said, "I am in the process of putting together a
4 flier." Do you see that?

5 A. Yes.

6 Q. "With the purpose of calling people to Islam. It's just
7 one page front and back, inshaa-'Allaah," meaning Allah
8 willing, right?

9 A. Yes.

01:18 10 Q. "I was wondering if when I'm done with it I can email it
11 to you and print out and hand out at your university." And you
12 said, "Absolutely, no problem." Tarek said, "Excellent." He
13 also said, "Also, if you have any input, you can add it,"
14 right?

15 A. Yes.

16 Q. And he said, "Allah willing." That's kind of a phrase
17 people use, right?

18 A. Yes.

19 Q. So, in fact, Tarek was someone who would print up fliers
01:18 20 and try to have people become interested in Islam?

21 A. Yes.

22 MS. BASSIL: Now, if we could go back to Exhibit 623,
23 please.

24 Q. So in this same chat, which was started about your sermon,
25 then you talked about missing Ahmed. Tarek eventually talked

1 about seeing that book, that orange book, at the Harvard Coop.
2 Do you recall that?

3 A. Yes.

4 Q. And he said that he had been following Osama bin Laden for
5 six years; do you recall that?

6 A. Yes.

7 Q. So -- and this was 2006 when you had that chat. So he was
8 talking about, as you understood it, that he had first noticed
9 or read about Osama bin Laden before September 11th?

01:19 10 A. Yes.

11 Q. And that what Osama bin Laden was known for, before
12 September 11th, was about his role in fighting in the
13 Afghanistan-Soviet war?

14 A. Yes.

15 Q. And that he was admired as a person who got the Soviet
16 Union out of Afghanistan, correct?

17 A. Yes.

18 Q. This was seen as a tremendous victory for Muslims, was it
19 not?

01:20 20 A. Yes.

21 Q. The idea that men on horseback could defeat one of the
22 world powers, correct?

23 A. Yes.

24 Q. Made you proud?

25 A. Yes.

1 Q. Made your friends proud?

2 A. Yes.

3 Q. And, in fact, the people who fought with Osama bin Laden
4 and others in Afghanistan -- I think we used this word
5 yesterday, but -- (writing) -- were called mujahideen, right?

6 A. Yes.

7 Q. That meant that they were fighters?

8 A. Yes.

9 Q. And that term appears in the Qur'an, does it not?

01:21 10 A. Some variation of it, I believe, yes.

11 Q. And in the Hadiths?

12 A. Yes.

13 Q. And it's not a brand-new word?

14 A. No.

15 Q. Now, in fact, you knew that Ronald Reagan, who was
16 president, call the mujahideen freedom fighters?

17 A. Yes.

18 Q. And that made you proud?

19 A. Yes.

01:21 20 Q. And so did Donald Rumsfeld, correct?

21 A. Did he? I'm not sure.

22 Q. You don't know. But you knew about the president?

23 A. Yeah.

24 MS. BASSIL: If we could go back to 623. That's all
25 right for a moment. We can turn that off.

1 Q. I think yesterday you said that you felt attached to Osama
2 bin Laden as well, right?

3 A. Yes.

4 Q. And you were -- when you read the stories of the
5 companions of Muhammad and his followers, you felt badly that
6 there weren't people like that in modern times, right?

7 A. I did express that, yes.

8 Q. That you were jealous that you didn't have people like
9 that?

01:22 10 A. Yes.

11 Q. And now, because Osama bin Laden was the symbol of
12 resistance, you didn't feel like that anymore?

13 A. I don't know if that's completely accurate, but --

14 Q. Well, you said, "I was jealous that we didn't have people
15 like that. Now because of him I don't have that feeling at all
16 anymore."

17 A. Right.

18 Q. "I don't even see a difference between them."

19 A. Yes.

01:22 20 Q. So you saw Osama bin Laden like the first followers of
21 Islam?

22 A. Yes.

23 Q. And, in fact, you said, "It's hard to believe someone like
24 that even exists"?

25 A. Yes.

1 Q. In fact -- and Mr. Auerhahn went over this a little bit
2 yesterday -- you were very excited -- by the way, you got a job
3 at Barnes & Noble out in Amherst, didn't you?

4 A. Holyoke.

5 Q. Holyoke. But that's close to Amherst?

6 A. Yes.

7 Q. And it was a part-time job?

8 A. Yes.

9 Q. Did you get a discount on books?

01:23 10 A. Yes, I did.

11 Q. Was that part of the reason you got the job?

12 A. Yes.

13 Q. In fact, you were very excited when a customer came into
14 Barnes & Noble and told you he admired bin Laden?

15 A. Yes.

16 Q. And this was not a Muslim?

17 A. No.

18 Q. And you were so excited about that that you instant
19 messaged Tarek about it?

01:23 20 A. Yes.

21 Q. And you were excited that this man had reported to you
22 that what bin Laden was doing is not only unbelievable but
23 miraculous?

24 A. Yes.

25 MS. BASSIL: If we could have Exhibit 615, please, and

1 if we could have -- second page, please. If we could blow up
2 the first half of the page. That's it, right there.

3 Q. And Tarek asked you about him, "Was he an old guy?" You
4 said, "He looked like he was in his 40s," right?

5 A. Yes.

6 Q. Did that mean he was old or young?

7 A. Older.

8 Q. Older. Good.

9 You said -- and then Tarek said to you, "So then what
01:24 10 happened?" And you said, "Dude, I was so flustered I didn't
11 know what to say. I kind of just laughed it off and just
12 listened to his beautiful words," right?

13 A. Yes.

14 Q. And you read this section yesterday with Mr. Auerhahn,
15 didn't you?

16 A. Yes.

17 Q. But you didn't read the next few lines, so let's look at
18 those. Tarek said to you, "Man, this is a perfect person to
19 call to Islam," right?

01:25 20 A. Yes.

21 Q. That's how Tarek saw it, that maybe this was somebody who
22 would be interested in becoming a Muslim, right?

23 A. Yes.

24 Q. Now, did you use your employee discount to buy a book on
25 Osama bin Laden?

1 A. Yes.

2 Q. And you told Tarek that the first page of it --

3 MS. BASSIL: We can take that off. Thank you.

4 Q. -- had a picture -- (writing) -- had a picture of someone
5 named Haqqani --

6 A. Yes.

7 Q. -- correct?

8 And he was an insurgent leader in Afghanistan?

9 A. Yes.

01:26 10 Q. Who shielded Osama bin Laden after September 11th,
11 correct?

12 A. Yes.

13 Q. And you were excited that that picture was in that book,
14 were you not? You told Tarek about it?

15 A. Yes.

16 Q. Now -- so you -- and you were interested in this subject
17 yourself, were you not?

18 A. I was.

19 Q. And you were interested in the subject of Jihad yourself,
01:26 20 were you not?

21 A. I was.

22 Q. You were interested in it religiously?

23 A. No, I wouldn't say that's an accurate --

24 Q. Historically, is that a better word?

25 A. Yes.

1 Q. Historically. In fact, you were very interested in the
2 Afghanistan and Soviet war, is that right, and people who had
3 fought in it?

4 A. Yes.

5 MS. BASSIL: Mr. Auerhahn, I'm going to show the
6 witness 6SFT502.

7 MR. AUERHAHN: No objection, your Honor. This is not
8 an exhibit. This would be a new defense exhibit.

9 MS. BASSIL: Yes.

01:27 10 THE COURT: You have no objection; is that what you
11 said?

12 MR. AUERHAHN: No objection.

13 THE COURT: So this would be 1094, I guess.

14 MS. BASSIL: Correct.

15 (Exhibit No. 1094 received into evidence.)

16 Q. Do you see this? This is a conversation from February 5,
17 2006?

18 A. Yes.

19 Q. And, in fact, you had a conversation with Tarek about
01:27 20 meeting someone who had been a mujahideen; do you recall that?

21 A. Yes.

22 Q. And, in fact, on the very first page of this, Tarek said
23 to you, "How was it with your bil yesterday?" What did "bil"
24 refer to?

25 A. Brother-in-law.

1 Q. Your brother-in-law was a man named Samer, correct?

2 A. Yes.

3 Q. And he had fought in Afghanistan, had he not?

4 A. I don't know.

5 Q. All right. But you suspected that?

6 A. Yes.

7 Q. And you wanted to talk to him about it?

8 A. Yes.

9 Q. You wanted to know about it?

01:28 10 A. Yes.

11 Q. Now, Tarek didn't tell you to talk to him?

12 A. No.

13 Q. And you said -- he said, "How was it with your
14 brother-in-law yesterday?" So had there been a conversation
15 with Tarek that you were going to talk him about it?

16 A. Yes.

17 Q. You said, "Oh, man, interesting." Then you wrote "haha."
18 And Tarek put three dots. And he wrote, "Explanation, please."
19 And you said, "Is it okay to say it online?" Do you see that?

01:29 20 A. Yes.

21 Q. And you were concerned about saying anything about
22 fighting or mujahideen online, is that right?

23 A. Yes.

24 Q. And the reason was, were you -- let me see if I can get
25 this right. You were worried that, what, the government might

1 see you talking about this?

2 A. Sure.

3 Q. You were worried that -- or you were suspicious -- strike
4 that.

5 You were concerned that you could get in trouble?

6 A. Yes.

7 Q. But you went ahead and talked about this, right?

8 A. Yes.

9 Q. And you talked at length with Tarek in this conversation
01:29 10 about your brother-in-law, and you were excited about the fact
11 that he had fought, correct?

12 A. Yes.

13 Q. In fact, on the next page, you wrote -- you said, "I
14 wanted to ask him about Lion's Den but talking to him was like
15 pulling teeth, man." All right. And that's because your
16 brother-in-law was reluctant to talk about this, right?

17 A. He never spoke about it.

18 Q. Was he fearful speaking about it?

19 A. I don't know.

01:30 20 Q. And then later in the conversation, Tarek asked you, "Was
21 he in the Lion's Den? Was he in the Lion's Den?" Do you see
22 that? You said, "I think so," and Tarek said, "Then he must
23 have met ash-Shaykh." Who did he mean by that?

24 A. I believe in this context he meant Azzam.

25 Q. Abdullah Azzam that we wrote about?

1 A. Yes.

2 Q. On the first page, Tarek also asked you, "Did he meet
3 al-Mu'allim, the teacher, or not?" Do you see that?

4 A. Yes.

5 Q. And who was that?

6 A. I believe he meant Abdullah Azzam.

7 Q. This was the man who had come to the United States and
8 spoken about recruiting people to go fight in Afghanistan?

9 A. Yes.

01:31 10 Q. By the way, Azzam died before September 11th, correct?

11 A. Yes.

12 Q. He died in 1990?

13 A. I'm not a hundred percent sure.

14 Q. He was assassinated?

15 A. I believe so.

16 Q. By a bomb?

17 A. Yes.

18 Q. And no one really knows who killed him, correct?

19 A. Yes.

01:32 20 Q. Now, aside from these things that you talked about, you
21 talked -- let me go over this with you. You talked at length
22 with Tarek about Hadiths, correct?

23 A. Yes.

24 Q. You talked about the sermons that you were going to give
25 at school?

1 A. Yes.

2 Q. You talked about movies?

3 A. Yes.

4 Q. In fact, he used to send you Jet Li clips, didn't he?

5 A. He did.

6 Q. He didn't just send you videos like you showed yesterday
7 to the jury, correct?

8 A. Right.

9 Q. He sent you clips of Tony Jaa?

01:32 10 A. Yes.

11 Q. He sent you clips of funny, silly things from the
12 internet?

13 A. Yes.

14 Q. Joke videos?

15 A. Yes.

16 Q. And you would do the same?

17 A. I can't recall. Definitely not as much though.

18 Q. You also had very long discussions with Tarek about your
19 dad, did you not?

01:33 20 A. Yes.

21 Q. You were having difficulty with your father, weren't you?

22 A. Yes.

23 Q. And do you recall --

24 MS. BASSIL: Could we have -- this is not an exhibit.

25 I'm going to pull up 6SFT538.

1 MR. AUERHAHN: Your Honor, may we approach on this
2 one?

3 (SIDEBAR CONFERENCE AS FOLLOWS:

4 MR. AUERHAHN: Your Honor, when Miss Bassil sent me
5 the chats that she was going to use a couple days ago, I
6 indicated I had objections to just two. This is one of the
7 two. It seems to me just a long discussion about a personal
8 issue about Mr. Aboubakr's relationship to his father. I don't
9 see -- all it's going to do is embarrass the witness, talking
01:34 10 about a personal relationship with his father. I don't really
11 see how it advances cross-examination.

12 MS. BASSIL: I'm not going to go into it in great
13 detail, but this is how I see it: This conversation was over
14 two hours, and then there was another one, which was about an
15 hour and a half, on another date. And the reason why I want to
16 bring this up is because the jury was left with the impression
17 yesterday that all they really talked about was Jihadi stuff
18 and watched videos of people being blown up. I want to show
19 they were friends and deep friends. They were close friends.
01:34 20 They talked about personal issues. I'm not going to embarrass
21 the witness. I'm not going to go into detail about it.

22 THE COURT: Can you do it without putting it in
23 evidence?

24 MS. BASSIL: Sure. I'll talk about the length of it
25 and the level of the conversation.

1 THE COURT: Do you have any objection to that?

2 MR. AUERHAHN: In general terms, no, as long as she's
3 not going into the substance without --

4 THE COURT: I tend to agree. There's no need to go
5 into the personal relationship of son and father except that it
6 was the topic of discussion at great length.

7 MS. BASSIL: At great length and it was helpful and so
8 forth.

9 THE COURT: All of that without the details.

01:35 10 MS. BASSIL: Right. And then there was a second
11 conversation about the father as well.

12 THE COURT: You want to deal with that now?

13 MR. AUERHAHN: It's the same issue.

14 THE COURT: It's the same thing, all right.

15 . . . END OF SIDEBAR CONFERENCE.)

16 THE COURT: Should it be marked for identification or
17 not?

18 MS. BASSIL: Certainly.

19 THE COURT: I just raise the question. Let's give it
01:36 20 a number. If it is, it will be 1095 for identification.

21 MS. BASSIL: All right. It would be -- yes, 1095 and
22 1096 for identification.

23 (Exhibit Nos. 1095-1096 marked for identification.)

24 MS. BASSIL: What I can do, your Honor, is -- if this
25 can just be shown to the witness, the first page.

1 THE COURT: This is on the document camera.

2 Q. Now, do you recall that back in February of 2006, you were
3 having difficulties with your dad?

4 A. Yes.

5 Q. And problems about your grades and your commitment to
6 schooling --

7 A. Yes.

8 Q. -- right?

9 And sort of generational issues, right?

01:36 10 A. Yes.

11 Q. And, in fact, you had a conversation with Tarek that
12 started at 21:38:22. And I believe that's 9:00 at night, I
13 think?

14 A. Yes.

15 MS. BASSIL: Mr. Groharing, is that 9:00 at night?

16 MR. GROHARING: Yes.

17 Q. In fact, if you would just look at it with me. The jury
18 is not looking at this. But this conversation with Tarek was
19 about your father, correct?

01:37 20 A. Yes.

21 Q. And it went on for many, many pages, did it not --

22 A. Yes.

23 Q. -- right?

24 And Tarek related to you about his relationship with
25 his father, right?

1 A. Yes.

2 Q. And the difficulty both your parents had in how they grew
3 up?

4 A. Yes.

5 Q. And he tried to get you to sort of look at it from your
6 father's point of view?

7 A. Yes.

8 Q. And to talk it through with you?

9 A. Right.

01:37 10 Q. And, in fact, the two of you spoke -- the conversation
11 started at 9:00, and it ended two hours later, 23:27:54,
12 correct?

13 A. Yes.

14 Q. And, typed out, this conversation is 14 pages, is that
15 correct?

16 A. Can you show the first page?

17 Q. The first page starts at Page -- you see that? Start at
18 Page 53?

19 A. Yes.

01:38 20 Q. And it ends at Page 69?

21 A. Yes.

22 Q. And this was very helpful to you, was it not?

23 A. Yes.

24 Q. Made you feel better?

25 A. Definitely.

1 Q. And, in fact, you tried to improve your relationship with
2 your father?

3 A. Yes.

4 Q. And, again, you had another conversation with Tarek about
5 your father as well, did you not?

6 A. Probably.

7 Q. And that one was about an hour and a half?

8 A. I can't recall exactly.

9 Q. But, in fact, the two of you talked as friends?

01:39 10 A. Yes.

11 Q. You weren't trying to impress him, right?

12 A. In times there were.

13 Q. I'm sorry. When you talked about your father, you weren't
14 trying to impress Tarek?

15 A. No.

16 Q. You weren't trying to make up conversations so he would
17 like you?

18 A. With regards to this subject, no.

19 Q. You were friends?

01:39 20 A. Yes.

21 Q. And, in fact, how old were you in 2006?

22 A. Twenty.

23 Q. And, in fact, at 20 years old, you're trying to figure out
24 your way in the world, were you not?

25 A. Yes.

1 Q. There were things that you believed in then that you've
2 changed your mind on now?

3 A. Yes.

4 Q. And part of that is just growing up?

5 A. Right.

6 Q. And having life be different?

7 A. Yes.

8 Q. You've graduated from college?

9 A. Yes.

01:40 10 Q. You work full time now --

11 A. Yes.

12 Q. -- right?

13 It's a different life?

14 A. Yes.

15 Q. Now, you also would talk to Tarek about other things that
16 concerned you. One of them was Facebook. Do you recall that?

17 A. Yes.

18 Q. And the issue with Facebook was that it was a way of
19 meeting and talking to girls really without parental

01:40 20 supervision, correct?

21 A. That's probably one of the aspects of it, yes.

22 Q. And you were concerned about whether or not this was
23 proper and appropriate as Muslim?

24 A. Right.

25 Q. And, in fact, you were trying to be, at that time, in

1 2006, a faithful Muslim, were you not?

2 A. Yes.

3 Q. You were a salafi, which meant that you were more
4 conservative, correct?

5 A. Yes.

6 Q. And, in fact, did you attend a mosque in 2006?

7 A. Yeah, I'm sure I did.

8 Q. Did you attend a mosque growing up?

9 A. Yes.

01:41 10 Q. With your parents?

11 A. Yes.

12 Q. And how often would you go?

13 A. At least weekly.

14 Q. At least weekly. And, in fact, is it fair to say that
15 some Muslims who attended the mosque -- well, they were sort of
16 culturally Muslims?

17 A. Yes.

18 Q. That they identified with being Muslims as a culture that
19 they were a part of it, right?

01:41 20 A. Yes.

21 Q. One of the things, as a faithful Muslim, you're supposed
22 to pray five times a day, is that correct?

23 A. Yes.

24 Q. And that is not -- and people -- people who identify with
25 being a Muslim culturally, they may not pray five times a day,

1 correct?

2 A. Yes.

3 Q. And they might go to the mosque once a week?

4 A. Yes.

5 Q. Or they might just go on holidays?

6 A. Right.

7 Q. Right? They might eat ethnic food, right?

8 A. Yes.

9 Q. Or celebrate holidays with a traditional meal?

01:42 10 A. Yes.

11 Q. And you wanted to be more than that?

12 A. Yes.

13 Q. Now, you and Tarek would often talk in these instant
14 message -- by the way, you didn't talk much on the phone, did
15 you?

16 A. Not so much, no.

17 Q. Not so much. More it was instant messages, correct?

18 A. Yes.

19 Q. Did you also email each other?

01:43 20 A. He used to email me. For the purpose of communication,
21 not much.

22 Q. Sometimes Tarek would email you an article he might have
23 read?

24 A. Right.

25 Q. Or a Hadith he might have seen?

1 A. Yes.

2 Q. Something that he thought you might be interested in?

3 A. Yes.

4 Q. And you were interested in these emails?

5 A. Yes.

6 Q. You read them?

7 A. Some of it.

8 Q. Many times there were things Tarek sent you that you just
9 didn't read?

01:43 10 A. Right.

11 Q. Now, Tarek didn't -- wasn't trying to teach you, correct?

12 A. No. I mean, there are -- there were times where he --
13 where I did see him as an educator to me, yes.

14 Q. Well --

15 MS. BASSIL: If we may put this in front of the
16 witness, Page 21 of the grand jury.

17 Q. Does that refresh your memory?

18 A. Yes.

19 Q. In fact, you were asked if Ahmed and Tarek were trying to
01:44 20 teach you, correct?

21 A. Yes.

22 Q. And you said in the grand jury, "No, no." And you were
23 asked, "You didn't get that feeling? You were seeking
24 knowledge and they had it. Is that how you perceived their
25 role towards you?" And your answer was: "Right. I can't

1 recall on an occasion where they were like, all right, you are
2 my -- my student. I don't remember that, no." That's what you
3 said in the grand jury?

4 A. Right.

5 Q. Right?

6 A. Yes.

7 Q. Now, in fact, you -- is it fair to say that you are
8 somewhat embarrassed by the beliefs you used to have?

9 A. Absolutely.

01:45 10 Q. And that it's your testimony today that those beliefs were
11 taught to you by Tarek?

12 A. There was certainly help along the way.

13 Q. You had these beliefs yourself, didn't you?

14 A. I did.

15 Q. You were buying books on Osama bin Laden, right?

16 A. Yes.

17 Q. Do you recall telling Tarek that you had bought a book
18 called The Oath? Do you remember this book?

19 A. Yes, I do.

01:46 20 Q. And that was a book -- that's a book about a surgeon in
21 Chechnya, correct?

22 A. Yes.

23 MS. BASSIL: Could we have Exhibit 617, please. Third
24 page, please.

25 Q. And you told --

1 MS. BASSIL: Can we -- is that the very top page?

2 Q. You asked Tarek if he had heard of this book, right?

3 A. Yes.

4 Q. You had found this book on your own, had you not?

5 A. It was recommended to me by somebody. I can't remember
6 who, though.

7 Q. Not Tarek?

8 A. No.

9 Q. And you read this entire book?

01:47 10 A. Yes, I did.

11 Q. And you read it while you were in school, is that right?

12 A. Yes.

13 Q. And this book -- let's see. It's 366 pages, is that
14 correct?

15 A. I believe so.

16 Q. All right. And, in fact, after reading this book -- let's
17 look at this conversation. The book was about a surgeon who
18 was working in Chechnya when the fighting was going on, is that
19 right?

01:48 20 A. Yes.

21 Q. In fact, he operated on one of the leaders of the sort of
22 Chechen fighters, correct?

23 A. Yes.

24 Q. And here's what you said about it. You said, "It's just
25 interesting the fighting over there. I want to go there after

1 reading this, man." And Tarek said, "Aha, yes. With the Red
2 Crescent, God bless." So you were the person who said that
3 after reading this book about Muslims fighting in Chechnya that
4 you were pumped up by it, right?

5 A. Yes.

6 Q. You wanted to go and fight?

7 A. Yes.

8 Q. And this didn't come from Tarek, correct?

9 A. No.

01:48 10 Q. Now, when you would have --

11 MS. BASSIL: We can take that down. Thank you.

12 Q. When you would have conversations with Tarek and Ahmed and
13 some of these other -- actually, you would call your friends
14 "brothers," correct?

15 A. Yes.

16 Q. That's the phrase you'd use?

17 A. Yes.

18 Q. When we see -- on these instant messages, when we see this
19 word "akhi," right, that means "brother"?

01:49 20 A. Yes.

21 Q. So when you would sit around and you would have these
22 conversations with the brothers, right, and you would talk
23 about how Muslims all over the world were suffering, Tarek
24 didn't say, We have to do something; something has to be done,
25 right?

1 A. Right.

2 Q. He didn't say that, did he?

3 A. No.

4 Q. Tarek would talk about how you lived comfortable lives in
5 the United States, and look at what is happening to Muslims
6 overseas; that's what he would talk about?

7 A. Yes.

8 Q. He felt hurt?

9 A. Yes.

01:50 10 Q. He felt like they were his brothers and sisters?

11 A. Yes.

12 Q. And, in fact, he talked about being very upset about a
13 14-year-old girl in Iraq who was gang-raped by American
14 soldiers, then killed, and then her entire family was killed.
15 Do you recall that?

16 A. Vaguely, yes.

17 Q. And you were upset about that as well, were you not?

18 A. Yes.

19 Q. In fact, in the Muslim religion, the protection of women
01:50 20 and the chastity of woman is very important, is it not?

21 A. Yes.

22 Q. And the idea of rape is just unbelievably horrific, is it
23 not?

24 A. Yes.

25 Q. And you were also -- you would talk about -- you would

1 talk about different -- what different Muslims were suffering
2 around the world, correct?

3 A. Yes.

4 Q. And yesterday you talked about -- or Tarek -- you read a
5 conversation about a book Tarek was reading or had read,
6 "Jihad: The Rise of Militant Islam in Central Asia"?

7 A. Yes.

8 Q. And that's by Ahmed Rashid?

9 A. Yes.

01:51 10 Q. He's a writer for Newsweek?

11 A. Not sure.

12 Q. Did you see him on the Daily Show when he wrote the book?

13 A. No.

14 Q. With John Stewart?

15 A. I did not.

16 Q. But he wasn't some kind of -- what's the word -- he was a
17 neutral writer, a reporter, correct?

18 A. As far as I know, yes.

19 Q. He wasn't writing from a particular slant or a particular
01:51 20 point of view?

21 A. I believe that's accurate, yes.

22 Q. You wouldn't call him a Jihadi writer?

23 A. No.

24 Q. That's what I was trying to get at.

25 MS. BASSIL: If we could have Exhibit 614, please.

1 Q. And you read, I believe --

2 MS. BASSIL: I'm sorry. It's not on this exhibit.

3 You can take it down. But I'm going to ask you about it.

4 Q. Tarek talked -- the book talked about the Muslims in
5 Uzbekistan, is that correct?

6 A. Yes.

7 Q. Do you know where Uzbekistan is?

8 A. Roughly.

9 Q. It's in Central Asia, is that correct?

01:53 10 A. Yes.

11 Q. Tarek talked about the fact that Muslims who were arrested
12 just if they had a beard, they would be placed in a large pot
13 of boiling water and boiled alive. He told you that?

14 A. Yeah, yes.

15 Q. He had read that in that book?

16 A. Yes.

17 Q. And that was upsetting to him?

18 A. Yes.

19 Q. As it was to you?

01:53 20 A. Yes.

21 Q. And he also told you that women whose sons were
22 mujahideen, all right -- the leader of the mujahideen, his
23 mother had black paint thrown on her face in public and was
24 made to curse and disown her son. Do you remember him telling
25 you that?

1 A. Not really, but --

2 Q. And he also talked about mothers of -- strike that.

3 So when Tarek read this book, what he focused on was
4 how Muslims were being hurt, correct?

5 A. Yes.

6 Q. Now, let's talk for a minute -- I want to turn to
7 September 11th.

8 A. Sure.

9 Q. When that happened, you were, what, 15 or so?

01:54 10 A. Yeah, I think so.

11 Q. And you were shocked by it?

12 A. Yes.

13 Q. And also a little bit excited?

14 A. Initially?

15 Q. Yeah.

16 A. No.

17 Q. Later?

18 A. Yes.

19 Q. Now, you said yesterday that Tarek had given you a DVD of
01:55 20 a video called the Nineteen Martyrs, correct?

21 A. Yes.

22 Q. And Nineteen Martyrs referred to the 19 hijackers, is that
23 right?

24 A. Yes.

25 Q. You had seen that phrase before?

1 A. Before what?

2 Q. Well, before Tarek said it to you.

3 A. Yes.

4 Q. And you had seen it before -- well -- do you recall in the
5 grand jury you were asked if you ever listened to speeches by
6 Osama bin Laden or saw videos of al Qa'ida members or of Osama
7 bin Laden?

8 A. Yes.

9 Q. And you said that with Tarek sometimes if a --

01:55 10 MR. AUERHAHN: Objection, your Honor. Again, there
11 should be a question.

12 MS. BASSIL: I'll ask a question. I'll rephrase.

13 Q. And, in fact, if a video came out, sometimes Tarek would
14 send it to you online?

15 A. Yes.

16 Q. And he might send it to you, and the link could be MSNBC,
17 correct?

18 A. Yes.

19 Q. Or Al-Jazeera?

01:56 20 A. Yes.

21 Q. Now, Al-Jazeera is a large television media system in the
22 Arab world, correct?

23 A. Yes.

24 Q. And it -- do you get it in your house?

25 A. We do, yes.

1 Q. And with a satellite dish you can get it, correct?

2 A. Yes.

3 Q. And you can also get Al-Jazeera online, is that correct?

4 A. Yes.

5 Q. And you would watch videos. You saw videos with Daniel
6 Spaulding, is that correct?

7 A. Yes.

8 Q. At Daniel Spaulding's house?

9 A. Yes.

01:56 10 Q. And Daniel Spaulding, by the way, was married to Ahmed's
11 sister, is that correct?

12 A. Yes.

13 Q. And you also saw videos at Ahmed's house, is that right?

14 A. Yes.

15 Q. And you also downloaded your own videos of fighting,
16 didn't you?

17 A. I may have a few, yes.

18 Q. You used to go to a website called kavkazcenter.net?

19 A. Yes.

01:57 20 Q. And you would download videos that showed fighting in
21 Chechnya, is that correct?

22 A. Yes.

23 Q. And you would do that on your own?

24 A. Yes.

25 Q. And you would watch them on your own?

1 A. Yes.

2 Q. And you didn't instant message Tarek about every single
3 video that you watched on Chechnya, did you?

4 A. A lot of them I did but not all.

5 Q. You read through these instant messages, you said, before
6 you testified?

7 A. Yes.

8 Q. And let me ask you: Did you ever send Tarek a video from
9 kavkazcenter.net?

01:58 10 A. I may have.

11 Q. Do you remember reading that in the instant messages?

12 A. No.

13 Q. Now, yesterday was the first time that you said that Tarek
14 gave you a copy of this DVD of the September 11th hijackers,
15 isn't that right?

16 A. Can you repeat the question?

17 Q. Yesterday was the first time you said any time that Tarek
18 had given you a copy of a DVD or a video or CD of these
19 September 11th hijackers, isn't that right?

01:58 20 A. I don't recall it being the first time.

21 MS. BASSIL: If we could post this in front of the
22 witness, your Honor, Page 39 in the grand jury.

23 Q. If you would just look at that part that I blocked off, if
24 you could read that to yourself.

25 A. (Witness complies). Okay.

1 Q. So in the grand jury, you discussed that there was a video
2 of the 9/11 hijackers, right?

3 A. Yes.

4 Q. And you agreed that it was a bit of a tribute video?

5 A. Right.

6 Q. But you never mentioned, as you did yesterday, that Tarek
7 gave you the video, correct?

8 A. I thought it was mentioned, but I could be mistaken.

9 Q. Now, yesterday you said that Abousamra, Ahmed, was talking
02:00 10 about the World Trade Center was a legitimate target because it
11 symbolized, I think you said, the economic infrastructure,
12 something like that, or financial infrastructure?

13 A. General --

14 Q. Generally. And that because America was a democracy, all
15 Americans supported what the government did?

16 A. Yes.

17 Q. And that was Ahmed's view, is that correct?

18 A. Yes.

19 Q. Tarek never said that?

02:00 20 A. I can't remember a specific conversation I had with him
21 where he outright said that, but I do remember it being
22 implied.

23 Q. Well, let me ask you: You said yesterday that you went on
24 Tibyan Publications?

25 A. Yes.

1 Q. And did you read any of the things that Tarek posted on
2 Tibyan?

3 A. I don't recall. I didn't read much on that website.

4 Q. Tarek had a blog, did he not?

5 A. Yes.

6 Q. Did you read anything on his blog?

7 A. Not much of it.

8 Q. Not much of it. Do you recall Tarek talking about the
9 fact that not all Americans agreed with the politics of the

02:01 10 government; and, therefore, not all Americans were legitimate
11 targets?

12 A. I can't recall.

13 Q. Do you recall Tarek saying we never should retaliate
14 against Americans in the U.S.?

15 A. I don't recall.

16 Q. Do you recall Tarek saying Americans were not accountable
17 for the foreign policy of the government?

18 A. I don't recall.

19 Q. Now, let me turn to United 93, all right? That was a
02:02 20 movie about September 11th, correct?

21 A. Yes.

22 Q. And it was a movie about the plane than went down in
23 Shanksville, Pennsylvania?

24 A. Yes.

25 Q. And it was headed, I believe, towards Washington, D.C.,

1 correct?

2 A. Yes.

3 Q. And you went to see that movie, did you not?

4 A. Yes.

5 Q. And you didn't go to see the movie with Tarek?

6 A. No.

7 Q. You went on your own?

8 A. Yes.

9 Q. And, in fact, you had a disagreement with another young
02:02 10 man -- another young Muslim man who didn't think you should see
11 the movie?

12 A. Yes.

13 Q. Because it implied or it gave Muslims a bad name --

14 A. Yes.

15 Q. -- right?

16 And that was the piece that you read with Mr. Auerhahn
17 yesterday.

18 MS. BASSIL: And if we could have Exhibit 625, please.
19 It would be the second page, please. And it -- great. Thank
02:03 20 you.

21 Q. What you read yesterday is Tarek saying, "Maybe we can
22 show him a video of Muslim civilian casualties in Iraq and
23 Afghanistan and Palestine. Then maybe he can make a
24 connection." That's what he said, right?

25 A. Yes.

1 Q. And you understood this to mean that he was talking about
2 the grievances Muslims had felt, correct?

3 A. Yes.

4 Q. And the grievances you felt?

5 A. Yes.

6 Q. And that was your feeling, too?

7 A. Yes.

8 Q. Now, yesterday, when you read these instant messages back
9 and forth with Mr. Auerhahn, I noticed that you didn't read

02:03 10 them with much emotion. Would you agree with me?

11 A. Yes.

12 Q. But when you wrote them, you were actually feeling pretty
13 strongly, weren't you?

14 A. Yes.

15 Q. And, in fact, when you used exclamation points, that
16 indicated that you felt strongly about something?

17 A. Sure.

18 Q. Sometimes you put something in all caps, which indicated
19 you felt strongly, right?

02:04 20 A. Yes.

21 Q. And a lot of times you would write h-e-h-e, "hehe,"
22 correct?

23 A. No.

24 Q. Or "haha," something that indicated it was a joke,
25 correct?

1 A. Yes.

2 Q. And you and Tarek often joked online?

3 A. Yes.

4 MS. BASSIL: Now, if we could go, please, to Exhibit
5 628, and if we could go to the third page. And if you could
6 make bigger just the first four lines, please -- or the first
7 lines, please. Perfect. All right.

8 Q. So you were telling Tarek about United 93, is that
9 correct, the movie?

02:05 10 A. Yes.

11 Q. And you wrote, "It was soooo funny." And you put five
12 zeros or Os, after the "S," correct?

13 A. Yes.

14 Q. That was to indicate how really funny you thought it was,
15 correct?

16 A. Well, I didn't really think it was funny, but, yes.

17 Q. Well, you wrote it?

18 A. Yes.

19 Q. In fact, when you wrote that, you were using language and
02:06 20 letters to indicate what you were feeling, correct?

21 A. What I wanted perceived to be what I was feeling.

22 Q. When you wanted to perceive it. So your testimony, I
23 think you said yesterday, is that you have -- strike that.

24 You have decided that everything you used to think was
25 because of Tarek?

1 A. No.

2 Q. All right. You used to think things on your own, did you
3 not?

4 A. Yes.

5 Q. All right. And when the government came to you with a
6 summons for the grand jury, you had to do a lot of thinking,
7 didn't you?

8 A. Yes.

9 Q. And you were scared, were you not?

02:06 10 A. Yes.

11 Q. You certainly didn't want to be sitting in that chair, is
12 that correct?

13 A. No.

14 Q. And, in fact, at this point now, you say, Oh, I said those
15 things because I wanted to impress Tarek?

16 A. No. I wouldn't -- I would not word it that way, no.

17 Q. You said, I think, yesterday -- you said you wanted to
18 "enhance your relationship with Tarek," is that right?

19 A. Yes.

02:07 20 Q. You never said that in the grand jury?

21 A. No.

22 Q. This is something you have come to decide, is that
23 correct?

24 A. No.

25 Q. Well, it was -- certainly it wasn't how you felt back in

1 2006?

2 A. Yes, it was.

3 Q. It was?

4 A. Yes.

5 Q. And nowhere in those instant messages did you indicate
6 that, did you?

7 A. No.

8 Q. You never said to Tarek, Hey, that's okay. I don't really
9 need to see this video?

02:07 10 A. No.

11 Q. Oh, thanks, but, you know, I'm going to bed, right?

12 A. No.

13 Q. You participated in these conversations?

14 A. Yes, I did.

15 Q. And it's only today, it's only today, after you got that
16 summons and that grand jury, that you want -- that you're
17 saying, Oh, I did this because I wanted Tarek to like me?

18 A. No. This is not the first time I felt that way.

19 Q. I see. But you never said it until after you got this
02:08 20 summons, after you were in the grand jury, and after you were
21 afraid that you were going to end up sitting next to me in this
22 courtroom, isn't that true?

23 A. No.

24 Q. I see. When did you come to this change of mind?

25 A. After this whole ordeal.

1 Q. After this whole ordeal?

2 A. Yes.

3 Q. You got older?

4 A. Yes.

5 Q. You're working full time?

6 A. Yes.

7 Q. Your parents have been very upset about this?

8 A. Absolutely.

9 Q. And you certainly don't want to end up misstating

02:08 10 something today, correct?

11 A. Right.

12 Q. Because, as Mr. Auerhahn reminded you, you could still be
13 prosecuted for perjury, correct?

14 A. That's correct.

15 Q. And you met with, as you call him, "Jeff," right?

16 A. Yes.

17 Q. And the agents. You sat around a conference table?

18 A. Yes.

19 Q. Pretty casual?

02:09 20 A. No.

21 Q. Friendly?

22 A. Yes.

23 Q. And you want to keep it friendly, don't you?

24 A. Yes.

25 MS. BASSIL: Your Honor, if we could --

1 THE COURT: I was waiting for a paragraph --

2 MS. BASSIL: If we could.

3 THE COURT: -- change.

4 MS. BASSIL: Yes, thank you.

5 THE COURT: We'll take the morning recess at this
6 point.

7 (Recess taken at 11:02 a.m.)

8

9 1093 53

10 Chat dated 4/28/06 53

11 1094 61

12 Chat dated 2/5/06 61

13 1095-1096 67

14 Chats between Mehanna and Aboubakr 67

15

16

17 (Defense Exhibit Nos. 97 and 98 photographs of Abu 105

18 Ghraibmarked for identification.)

19 (Defense Exhibit No. 1096 April 2006 instant 122

20 message between Ali Abubakr and Tarke

21 Mehannareceived into evidence.)

22

23 (After recess:)

24 THE CLERK: All rise for the Court and jury.

25 (The Court and jury enter the courtroom at 11:25 a.m.)

1 THE CLERK: Please be seated.

2 THE COURT: Go ahead.

3 MS. BASSIL: Thank you.

4 BY MS. BASSIL:

5 Q. We left off talking about your chat with Tarek about the
6 movie "United 93." And turning to -- I think we're on Exhibit
7 628 -- you were still talking about this movie. And you said,
8 "I need to know these brothers' name the way I know" -- and you
9 used an Arabic phrase -- "the Ten Bearers of Good News."

02:32 10 Do you see that?

11 A. Yes.

12 Q. And the Ten Bearers of Good News are who?

13 A. Famous historical -- or early Muslims.

14 Q. Early Muslims?

15 A. Yes.

16 Q. Were they the companions of Mohammad?

17 A. Yes.

18 Q. And so you wanted to know the names of the people -- of
19 the 9/11 hijackers in the same way you knew the names of the
02:32 20 companions. Is that correct?

21 A. That's what I said, yes.

22 Q. And Tarek said to you, "It's all on the disk." And you
23 said, "I'm going to watch it again," right?

24 A. Yes.

25 Q. And then Tarek sent you a link to the FBI. Is that

1 correct?

2 A. Yes.

3 Q. It wasn't a link to some kind of al Qa'ida website.

4 A. No.

5 Q. It was a link to the FBI, right? Did you click on the
6 link?

7 A. I believe I did, yes.

8 Q. You didn't always do that, right?

9 A. I don't know. I mean...

02:33 10 MS. BASSIL: If we could go to the next page, please.

11 Q. Now, how many times did you watch that video?

12 A. Which video?

13 Q. The September 11th video.

14 A. Which September 11th video?

15 Q. I'm sorry. You're right. Let me go back.

16 You said that you had a DVD of September 11th, or a
17 CD, a tribute video?

18 A. Yes.

19 Q. How many times did you watch it?

02:35 20 A. I'm not sure.

21 Q. More than once?

22 A. I mean, it was mostly watched in segments.

23 Q. All right. Now, do you recall -- yesterday you talked
24 about watching a video, and we saw clips of it, "Umar Hadeed."

25 Do you recall that?

1 A. Yes.

2 Q. And do you recall that you told Tarek you were tired and
3 you weren't going to watch all of that?

4 A. Yes.

5 Q. And he told you to go to bed. Do you recall that?

6 A. No. Can I...

7 I do recall it. Sorry. I do recall it.

8 Q. And you said that you wanted -- and you wanted to keep
9 watching it?

02:36 10 A. Yes.

11 Q. Now, you also bought the "9/11 Commission Report,"
12 correct?

13 A. Yes.

14 Q. All right. And Tarek didn't give it to you?

15 A. No.

16 Q. You bought it on your own?

17 A. Yes.

18 Q. And did you read the whole thing?

19 A. No.

02:36 20 MS. BASSIL: Now, if we could have Exhibit 629,
21 please? And if we could blow up the bottom half of the page.

22 Q. All right. Now, first of all, you told Tarek that you
23 bought this book, correct --

24 A. Yes.

25 Q. -- in your chat?

1 And you said, "Both the people that planned them,"
2 meaning the September 11th crashes, "and even more so, the ones
3 who carried them out" -- actually, let me go up above. You
4 said, "This book, they try to make out the hijackers to be
5 uneducated barbarians, which makes no sense because those
6 attacks were genius, both the people that planned them and even
7 more so the ones who carried them out."

8 And that's what you thought at that time, correct?

9 A. Yes.

02:37 10 Q. And you also told Tarek that the 9/11 Commission Report
11 was full of lies.

12 A. Yes.

13 Q. You said, "Obviously, it's full of lies," correct?

14 A. Yes.

15 MS. BASSIL: Now, if we could turn to Exhibit 624, and
16 I think it's page 9. I believe it's the second-to-last page,
17 if that's helpful. The page before. That's it. And -- right.
18 Exactly.

19 Q. Now, yesterday Mr. Auerhahn went over with you that Tarek
02:39 20 was sending you a video and it was about Marines, is that
21 correct, or a bomb? Something being blown up.

22 A. Yes.

23 Q. All right.

24 MS. BASSIL: And if you could -- just the last quarter
25 of the page, starting here. "I think I got it" would be the

1 line. Right.

2 Q. Okay. He said, "The thing goes off." And you wrote,
3 right here, "Maaaaaaaaaaaaan," right? "I wanna seeee," right?

4 A. Yes.

5 Q. And doing it that way and using your language like that,
6 you were indicating your enthusiasm for wanting to see this
7 video, weren't you?

8 A. Yes.

9 Q. Okay. Now, yesterday --

02:40 10 MS. BASSIL: Your Honor, may we approach sidebar for a
11 moment?

12 THE COURT: All right.

13 (Discussion at sidebar and out of the hearing of the
14 jury:)

15 MS. BASSIL: Okay. I'm going to start talking about
16 the Umar Hadeed video, and the opening of it talks about
17 Abu Ghraib. And I sent these pictures to Mr. Auerhahn last
18 night, and I knew he was going to object, so before I started I
19 wanted to come up here. So these are the two pictures I want
02:40 20 to show him.

21 THE COURT: What's the question?

22 MS. BASSIL: He's objecting.

23 THE COURT: No. No, the question for the witness.

24 MS. BASSIL: Oh, the question for the witness was
25 about what the video -- the video talked about Abu Ghraib and

1 also, if you remember, we saw a short clip from "Fatima's
2 Fiancé," which was also about Abu Ghraib. And I wanted to
3 bring up that he was enthusiastic to see this because he was
4 very upset about what had happened at Abu Ghraib.

5 THE COURT: You expect him to say that he would have
6 seen those pictures?

7 MS. BASSIL: Everybody has seen those pictures.

8 THE COURT: Well, but that's the point.

9 MS. BASSIL: I can show it to him first without the
02:41 10 jury seeing it.

11 MR. AUERHAHN: But why is it relevant to become an
12 exhibit at trial?

13 THE COURT: I don't know if it needs to be an exhibit.
14 That's a different question from whether it could be used with
15 him.

16 MS. BASSIL: I want to show it to the jury.

17 THE COURT: Yeah, I think you could probably do that
18 without making it an exhibit.

19 MR. AUERHAHN: But she just said she wants it to be
02:41 20 shown to the jury.

21 MS. BASSIL: It should be an exhibit.

22 MR. AUERHAHN: That's my objection.

23 THE COURT: I don't think it needs to be an exhibit.
24 I mean, I think it -- frankly, I think it's a little
25 collateral. I'm willing to give you a little leeway on it, but

1 I don't...

2 MS. BASSIL: Speak up.

3 MR. CARNEY: The jury has seen all of these horrible
4 videos, about how they influenced people. These photos will be
5 other photos that directly influenced and informed the
6 testimony. And if there are people on the jury who haven't
7 seen these photos, they should see them.

8 THE COURT: Well, my suggestion is that you can first
9 lay the foundation. If he's seen them and they influenced him,
02:42 10 then they can be exhibited to the jury but not made exhibits.

11 MS. BASSIL: What's the difference?

12 THE COURT: Because I think it -- because they're not
13 really germane. His testimony is germane, but I don't think
14 the pictures are particularly germane.

15 MR. CARNEY: We have already seen so many horrific
16 videos of things being blown up. And the reason they're being
17 admitted in evidence is because they go to the state of mind of
18 a person. If this goes to the state of mind, then this should
19 come in because it's directly relevant. It just can't be that
02:43 20 everything that the government wants to come in as state of
21 mind comes in, everything the defense says, "Well, this
22 influences the state of mind" --

23 THE COURT: I don't think that's the same.

24 MR. CARNEY: I know that's not. I know that's not.

25 THE COURT: Anyway, I just don't --

1 MR. AUERHAHN: Your Honor, the state of mind of the
2 defense is obviously an element the government has to prove.
3 The state of mind of a witness is not an element the jury has
4 to consider.

5 MR. CARNEY: That's not a correct statement of law.

6 THE COURT: Well, we don't have to debate that now.

7 MS. BASSIL: Let me suggest this: Let me show it to
8 him and show it to the jury, and can we fight about this later,
9 whether it should be an exhibit? We could mark it for
02:43 10 identification.

11 THE COURT: All right.

12 MR. AUERHAHN: Your Honor, I don't know why it goes to
13 the jury.

14 THE COURT: Well, because if it does influence his
15 testimony, they should know what it is that influences his
16 testimony; in other words, if he says, "This meant something to
17 me," I think they should understand what it is he's looking at
18 that he refers to when he says "This meant something to me."

19 MR. AUERHAHN: I guess I'm struggling with "meant
02:44 20 something to me." On what relevant issue?

21 MS. BASSIL: His enthusiasm for all of this.

22 THE COURT: Right. There's been a lot about why these
23 fellows were talking as they did and what they thought, so...

24 (In open court:)

25 BY MS. BASSIL:

1 Q. Now, yesterday do you recall that we saw clips of that
2 movie "The Expedition of Umar Hadeed"?

3 A. Yes.

4 Q. And, in fact, let me just write that out. And that's who
5 we're referring to, correct?

6 A. Yes.

7 Q. All right. And he was -- he was a fighter and
8 insurgent -- leader of the insurgents in Iraq. Is that
9 correct?

02:45 10 A. I'm not sure if he was the leader but...

11 Q. He was an insurgent?

12 A. Yes.

13 Q. And by "insurgent," meaning that he was a local person, an
14 Iraqi?

15 A. Yes.

16 Q. Okay. And he was killed during the fighting in Fallujah.
17 Is that correct?

18 A. I'm not sure.

19 Q. Okay. Now, when we saw that movie yesterday, do you
02:45 20 recall the beginning clip was played of the introduction to it,
21 the first part of it?

22 A. Yes.

23 Q. Okay. And it started with talking about -- one of the
24 things it talked about was Abu Ghraib. Is that correct?

25 A. Yes.

1 MS. BASSIL: And if we can just put this in front of
2 the witness?

3 Q. And are you familiar with this picture?

4 A. Yes.

5 Q. All right.

6 MS. BASSIL: And if we can show this to the jury, your
7 Honor?

8 THE COURT: Okay. I would suggest another question,
9 but go ahead. You can have it.

02:46 10 BY MS. BASSIL:

11 Q. And your understanding of this picture is -- Abu Ghraib
12 was a prison in Iraq. Is that correct?

13 A. Yes.

14 Q. And it was revealed in 2004 that Iraqi prisoners were
15 being humiliated and tortured by American soldiers?

16 A. Yes.

17 Q. And this is one of them --

18 A. Yes.

19 Q. -- right? This is an American soldier who was later
02:46 20 prosecuted for treating this man this way? Yes?

21 A. I'm not sure, but...

22 Q. Okay. But you are familiar with this picture?

23 A. Yes.

24 Q. And that's what the movie was referring to when it
25 referred to Abu Ghraib?

1 A. Yes.

2 MS. BASSIL: And, your Honor, if I can show this
3 picture to the witness only?

4 Q. And are you familiar with this picture?

5 A. Yes.

6 Q. And this is a picture that is from Abu Ghraib, correct?

7 A. Yes.

8 MS. BASSIL: And if I may publish this picture, your
9 Honor?

02:47 10 Q. And this is a picture of a prisoner at Abu Ghraib, and he
11 was made to stand on a box with a hood over his head and wires
12 attached to him. Is that correct?

13 A. Yes.

14 Q. And he was made to believe that he was going to be
15 electrocuted. Is that your understanding?

16 A. Yes.

17 Q. All right. And, again, United States soldiers were
18 prosecuted for this, correct?

19 A. I believe so, yes.

02:47 20 Q. And that is also -- there were many pictures like this,
21 but that's one of the pictures that concerns Abu Ghraib,
22 correct?

23 A. Yes.

24 MS. BASSIL: Your Honor, I'd like to mark these two
25 pictures for identification.

1 THE COURT: Okay. I think it's 97 and 98.

2 (Defense Exhibit Nos. 97 and 98 marked for
3 identification.)

4 BY MS. BASSIL:

5 Q. Now, one of the other videos we saw was something called
6 "Fatima's Fiancé." We saw a piece of that, didn't we?

7 A. Yes.

8 Q. And it showed a picture of a man in a car and he was
9 smiling, and I think there was even -- was there like a drawing
02:48 10 of a rose superimposed at one point? Do you recall that?

11 A. Vaguely.

12 Q. Vaguely. But I think Mr. Auerhahn asked you, and he said,
13 "What's that next to him?" and you said, "That's a bomb. He's
14 going to do a suicide mission," right?

15 A. Right.

16 Q. And the title of the movie is called "Fatima's Fiancé"
17 because his fiancée was a woman named Fatima who had been raped
18 at Abu Ghraib. Is that correct?

19 A. I don't recall the exact background story but something
02:48 20 similar to that, yes.

21 Q. It was something about his fiancée being tortured?

22 A. Yes.

23 Q. Now, when you were watching this video "Umar Hadeed," you
24 were sort of -- kind of watching it online with Tarek. You
25 were sending comments back and forth to each other, correct?

1 A. Yes.

2 Q. And that video in full is about an hour and a half to two
3 hours?

4 A. Something like that, yes.

5 Q. All right. It's long, is it not?

6 A. Yes.

7 Q. And at one point Tarek said you should go to bed if you
8 were tired, but you wanted to stay up and watch the whole
9 thing, did you not?

02:50 10 A. Yes.

11 Q. And you didn't say to him, oh, I'll see the rest of it the
12 next day, right?

13 A. Yes.

14 Q. And you stayed up until 1 a.m. watching it?

15 A. Yes.

16 Q. Now, if you remember, the second segment we saw showed men
17 with bags over their heads. Do you remember that?

18 A. It's not ringing a bell exactly.

19 Q. All right. I'll move on from that. Well, let me ask you:
02:50 20 Were you familiar with photographs of Iraqi prisoners with bags
21 over their heads?

22 A. Yeah, I believe so. Yeah.

23 Q. And you understood that that meant that was a way in which
24 when people were captured, they would be disoriented?

25 A. Yes.

1 Q. And you saw that as humiliating?

2 A. Yes.

3 MS. BASSIL: Now, can we have Exhibit 627, please,
4 page 2? I'm sorry, let me... Okay. Actually, yeah, if we
5 could see that.

6 Q. Do you see that, that Tarek sent you -- he said, "I saw
7 the coolest blood donation clip today." Do you see that?

8 A. Yes.

9 Q. And, in fact, you told Mr. Auerhahn and this jury that
02:51 10 that meant it was about suicide bombing, correct?

11 A. Yes.

12 Q. But, in fact, if you look further, it says that this
13 is a -- this is a video about a person who had escaped from a
14 prison in Iraq. Is that correct?

15 A. Yes.

16 Q. And his name was -- do you see this?

17 MS. BASSIL: If we could just blow up this one line.
18 All right.

19 Q. His name is Abu Nasir al-Quahtani. Do you see that?

02:52 20 A. Yes.

21 Q. In fact, there was no suicide bombing in that video, was
22 there?

23 A. No.

24 Q. Now, this Umar Hadeed video, we saw a couple of speeches
25 yesterday -- I call them speeches -- or statements by people

1 who were going to become suicide bombers talking about their
2 love for Allah and so forth. Do you remember that?

3 A. Yes.

4 Q. Okay. And you never had the urge to become a suicide
5 bomber after seeing that movie, did you?

6 A. No.

7 Q. And Tarek never told you, "Gee, this is what you should
8 do"?

9 A. No.

02:52 10 Q. And he never expressed the urge to go do that?

11 A. To go do?

12 Q. Become a suicide bomber.

13 A. No.

14 Q. Okay. And --

15 MS. BASSIL: If we could go back? Is that Exhibit
16 612, I think? Yeah, if we could go to page 8.

17 Q. Okay. You commented to Tarek, if you look at the very
18 first --

19 MS. BASSIL: Actually, could we go to the page before
02:53 20 just so we could have the context for this? Okay.

21 Q. You were talking on the bottom of the page -- Tarek is
22 talking about the song they're singing, the nashid, correct?

23 A. Yes.

24 Q. Okay. And it can be spelled either that way or that way,
25 correct?

1 A. Yes.

2 Q. With an I or two Es. And a nashid is a song, correct?

3 A. Yes.

4 Q. And it doesn't necessarily have to be about fighting or
5 about jihad or about battles, correct?

6 A. Not necessarily.

7 Q. It can be a romantic song?

8 A. Not so much but --

9 Q. Not so much?

02:54 10 A. -- it could be.

11 Q. But it could be about anything, correct?

12 A. Yes.

13 Q. But a lot of songs were created about fighting?

14 A. Yes.

15 Q. Okay.

16 MS. BASSIL: Now, if we could go to page 8 of 612.

17 Q. And on the top you say, "Dude, they're like our commander
18 bin Laden who terrorizes America," all right? You said that --
19 you liked that line in that song, correct?

02:55 20 A. Yes.

21 Q. All right. Now, you felt in this instant chat that you
22 could write about this online, correct?

23 A. Yes.

24 Q. It wasn't illegal to watch this video.

25 A. I don't know.

1 Q. Well, now you don't know, but back then you certainly
2 didn't think it was illegal.

3 A. Right.

4 Q. And you only say you don't know now because you landed in
5 this sort of pot of federal trouble, correct?

6 A. Right.

7 Q. So that's what's got you concerned?

8 A. Yes.

9 Q. Okay. And it wasn't a crime to write about bin Laden or
02:55 10 about this video in instant chats, correct?

11 A. Right.

12 Q. Okay. And, in fact, at the end of this you said to Tarek,
13 "May Allah reward you for sending me that. That was amazing,"
14 right?

15 A. Yes, I did.

16 Q. You were enthusiastic about this movie.

17 A. Yes.

18 Q. All right. Now, you also asked Tarek to put you on a
19 Tibyan -- on the Tibyan website, correct?

02:56 20 A. Yes.

21 MS. BASSIL: And if we could have Exhibit 635, please?
22 And this would be the second page -- no, first page. Thank
23 you. We're in the right place. All right. Thank you.

24 Q. You said to Tarek, "You get me on Tibyan yet?" Right?

25 A. Yes.

1 Q. So you apparently had asked him before, correct?

2 A. We had spoken about it.

3 Q. Right. This wasn't the first time you had asked him if
4 you could get on the Tibyan website.

5 A. No, I'm not sure that the conversation proceeded in that
6 way. Because I was initially told about Tibyan by Ahmed.

7 Q. Okay. So -- but you asked Tarek to get you on. Is that
8 correct?

9 A. Yes.

02:57 10 Q. And by the way, did you go to other websites that were
11 about either Muslims or about Islam?

12 A. Can you be more specific?

13 Q. Were you familiar with, let me see, "Islamic Awakenings"?

14 A. Yes.

15 Q. And were you familiar with "IslamicNetwork.com"?

16 A. No.

17 Q. Okay. Now, on this you asked Tarek, "You get me on Tibyan
18 yet?" And he said, "What is your screen name?"

19 You have to make up a screen name, correct?

02:57 20 A. Correct.

21 Q. And you said, "Actually, I was thinking and tell me what
22 you like better, Abu Hassan or Abu Usama," right?

23 A. Yes.

24 Q. So you, in fact, wanted your screen name to be Usama just
25 like Osama bin Laden?

1 A. Yes.

2 Q. Now, yesterday you said it was a website that talked about
3 jihad. Is that correct?

4 A. Tibyan?

5 Q. Yes.

6 A. Yes.

7 Q. And I think you said you didn't go on it very much?

8 A. Right.

9 Q. Did you ever post on it?

02:58 10 A. No. I'm generally not a big poster.

11 Q. All right. And by "posting" you understand that I mean
12 writing something that you thought about or commenting on what
13 somebody else had written about?

14 A. Right.

15 Q. Okay. And were you familiar that there were also
16 religious articles posted there, theology articles?

17 A. Yes.

18 Would you mind if we went back to the previous
19 question, actually? Because I do remember that I did post at
02:58 20 least once.

21 Q. Okay. So you did post at least once?

22 A. Yes.

23 Q. And did you read -- if you didn't post yourself, did you
24 read other people's postings?

25 A. I skimmed through some, yes.

1 Q. You skimmed through some? And do you remember reading any
2 of Tarek's postings?

3 A. No.

4 Q. And do you remember that he was thrown off the website?

5 A. I came to learn that later, but I didn't know at the time.

6 Q. And that was because his views were too moderate for the
7 website?

8 A. That's what I heard.

9 Q. Now, yesterday --

02:59 10 MS. BASSIL: If we could have Exhibit 617, please?

11 And if we could have page 8, I believe. And can we go to the
12 very top? You can go up a little. Okay. That's good.

13 Q. Okay. You said, "Yo, let's go donate blood over the
14 summer." You talked about that yesterday, right?

15 A. Yes.

16 Q. And that was a joke.

17 A. Yes.

18 Q. You knew you were joking.

19 A. Yes.

03:00 20 Q. You weren't going anywhere to donate blood or to get into
21 fighting?

22 A. Absolutely not.

23 Q. And you understood that Tarek knew it was a joke?

24 A. I don't know.

25 Q. You don't know? Well, he certainly -- you certainly

1 didn't go anywhere, correct?

2 A. No.

3 Q. All right. Now, let me ask you this: Tarek had a lot of
4 respect for scholars, did he not?

5 A. Yes.

6 MR. CHAKRAVARTY: And if we could have Exhibit 258,
7 please? That's not the right one. Hold on a minute. Could we
8 have Exhibit 268A?

9 And if you can show it to the witness, please? And
03:01 10 me. Let's make sure I've got the right one. That's it.

11 Q. Now, do you recognize this picture?

12 A. Yes.

13 Q. All right. And this is a picture Tarek sent you by email,
14 correct?

15 A. Right.

16 Q. All right.

17 MS. BASSIL: And if we could show this picture to the
18 jury, your Honor?

19 THE COURT: This is not yet in evidence?

03:01 20 MR. CHAKRAVARTY: It is.

21 THE COURT: Or it is?

22 There was some ambiguity -- there's a 268 and 268A,
23 and we weren't sure whether they're both in. But everyone
24 agrees they are?

25 MR. CHAKRAVARTY: This one is. This is not a

1 translation, your Honor.

2 THE COURT: All right.

3 MS. BASSIL: Right. The translation is not in, but
4 the picture itself is in. Okay. And actually --

5 BY MS. BASSIL:

6 Q. All right. So this is a picture -- Tarek sent you this
7 picture, correct?

8 A. Yes.

9 MS. BASSIL: And if we could go to 268, please.

03:02 10 Q. This was an email that you got from Tarek. Is that
11 correct?

12 A. I don't see my email there.

13 Q. Okay.

14 MS. BASSIL: Can we go to 268A, please?

15 Q. All right. But you did get this picture?

16 A. Yes.

17 Q. And Tarek told you this was a picture of the school
18 in -- a school in Yemen, correct?

19 A. Yes.

03:03 20 Q. And this was the library of Muqbil bin Hadii al-Wadi,
21 correct?

22 A. Yes.

23 MS. BASSIL: And I'm just going to put this in front
24 of the jury so they could see the spelling, your Honor.

25 Q. And this was a scholar in Yemen, correct?

1 A. Yes.

2 Q. And he came to the United States for treatment, in
3 California. Do you recall that?

4 A. Yes.

5 Q. And he died long before 2004, correct?

6 A. Yes.

7 Q. And, in fact, he was a salafi scholar, was he not?

8 A. Yes.

9 Q. And he was -- now, let me ask you this: Salafi is a more
03:04 10 conservative branch of Islam, correct?

11 A. Yes.

12 Q. For lack of a better terminology.

13 A. Right.

14 Q. And there are -- there is a part of salafi that is sort of
15 apolitical, correct?

16 A. What do you mean?

17 Q. I mean, they're not interested in anything that goes on in
18 the outside world; they're not interested in fighting; they
19 don't talk about jihad?

03:04 20 A. Yeah.

21 Q. Okay. And Muqbil bin Hadii al-Wadi was one of those,
22 correct?

23 A. Yes.

24 Q. And, in fact, he issued a statement that he despised
25 Osama bin Laden. Do you recall that?

1 A. I don't.

2 Q. Okay.

3 MS. BASSIL: Now, let's go to Exhibit 624, please.

4 And the first page, please, on the bottom. Actually, second
5 page on the bottom. And right about here would be good. Thank
6 you.

7 Q. All right. This was one of your instant messages from
8 Tarek. And he said that he had this book by a scholar from
9 Uzbekistan -- he was one of the old Hanafi scholars of Central
03:05 10 Asia -- and the book was called "Awakening the Inattentive,"
11 and he was translating pieces of it.

12 And this was a -- basically a scholarly work, correct?

13 A. I don't remember that piece exactly, but...

14 Q. Okay. But, in fact, Tarek was often reading scholarly
15 works, was he not?

16 A. Yes.

17 Q. All right. And if you look, he gives you a piece of a
18 narration. Do you see that on the bottom?

19 A. Yes.

03:06 20 MS. BASSIL: And if we could have the next page?

21 Q. And it goes on, in fact, does it not?

22 A. Yes.

23 Q. All right. And was this a statement that -- was this a
24 statement of one of the companions?

25 A. Can you go back to the previous page?

1 Q. Sure.

2 MS. BASSIL: Can we go back to the previous page?

3 Thank you. And it would be on the bottom here. That would be
4 the easiest part.

5 Q. "It was narrated." Do you see that?

6 A. Yes.

7 Q. And was this a hadith?

8 A. I'm not sure.

9 Q. Okay. But Tarek was -- he wasn't always sending you just
03:07 10 videos about things being blown up, correct?

11 A. Yes.

12 Q. And he wasn't sending you things all the time about
13 Osama bin Laden, correct?

14 A. Yes.

15 Q. He often sent you hadith, correct?

16 A. Yes.

17 Q. When you reviewed these instant messages, you saw page
18 after page after page of discussions about Islam with Tarek,
19 did you not?

03:07 20 A. When I reviewed them when?

21 Q. When you reviewed these instant messages. You said you
22 reviewed them before you testified?

23 A. Yes.

24 Q. And you saw page after page after page talking about
25 religious topics with Tarek.

1 A. Yes.

2 Q. All right. Now -- and the two of you -- and, in fact,
3 Tarek looked to ancient scholars and to the prophet and his
4 companion as role models. Isn't that correct?

5 A. Yes.

6 MS. BASSIL: Okay. If we could have -- I think we're
7 still on 624, so if we could have -- let's see -- page 7.

8 Q. And in this Tarek said, "There are very few role models.
9 I spoke about this with you before. How many people can be
03:08 10 looked up to" -- and you said, "Yeah?" -- "as good examples?
11 You're left to looking to examples of the past because the
12 present is devoid of them." Do you see that?

13 A. Yes.

14 Q. And what he's talking about is look to the companions,
15 look to the prophet as a role model, correct?

16 A. Yes.

17 Q. Now, yesterday we heard a telephone call. Do you recall
18 that?

19 A. Yes.

03:09 20 Q. And Tarek said something -- you said something about -- he
21 was talking about a book you were going to buy. Do you recall
22 that?

23 A. No, I believe it was a book I was bringing home.

24 Q. It was a book you were bringing? Let me see if I have
25 that right. Okay. It was -- you were bringing a book on

1 al-Maghazi?

2 A. Yes.

3 Q. All right. And then Tarek said, "Get both that book and
4 the book on, like, peanut butter and jelly," right?

5 A. Yes.

6 Q. And you were laughing?

7 A. Yes.

8 Q. And you have said that "peanut butter and jelly" refer to
9 jihad, correct?

03:10 10 A. Yes.

11 Q. But the book that you and Tarek were talking about was a
12 book of hadith?

13 A. Yes.

14 Q. It was written 800 years ago?

15 A. Yes.

16 Q. And there's one chapter in that book that is about battles
17 in the time of the prophet?

18 A. Right.

19 Q. And you joked about it and you used the term "peanut
03:10 20 butter and jelly," correct?

21 A. Yes.

22 Q. Was that because you were afraid to use the term "jihad"
23 on the telephone?

24 A. I guess.

25 Q. Now, Tarek also -- do you recall him sending you

1 or -- sending you a link to IslamWorld.net?

2 A. I don't recall off the top of my head.

3 MS. BASSIL: Can we have Exhibit 623, please?

4 Q. Were you familiar with that website, IslamWorld.net?

5 A. It doesn't ring a bell.

6 Q. How about Salafia?

7 A. I vaguely remember that one.

8 Q. Okay. So there were websites that were simply about
9 religion?

03:11 10 A. Yes.

11 Q. They were not political? And by that I mean they didn't
12 talk about jihad or about Osama bin Laden?

13 A. Yeah.

14 Q. They talked about hadith?

15 A. Right.

16 Q. They talked about the Qur'an, right?

17 A. Yes.

18 Q. Now --

19 MS. BASSIL: Mr. Auerhahn, I'm going to refer to
03:12 20 6SFT654, which is not an exhibit. And this chat begins on
21 6SFT653.

22 THE COURT: Do you want the document camera?

23 MS. BASSIL: I'm sorry, your Honor?

24 THE COURT: Do you want the document camera for that?

25 MS. BASSIL: Yes, please. I would ask to mark this as

1 an exhibit.

2 THE COURT: Is it -- is there any objection to it?

3 MR. AUERHAHN: No, your Honor. I'm sorry.

4 (Defense Exhibit No. 1096 received into evidence.)

5 BY MS. BASSIL:

6 Q. Now, this was an instant message between you and Tarek on
7 a Sunday night in April 2006, correct?

8 A. Yes.

9 Q. And he said -- you know, you said, "What's up," all right?
03:13 10 And, in fact, did you -- did he start the conversation or did
11 you?

12 A. I did.

13 Q. You did. You chatted -- I guess I'm going to use the word
14 "called" even though it's not a telephone call. But you're the
15 one who connected with him first?

16 A. Sure.

17 Q. Okay. And you were going to study a little calculus. Is
18 that right?

19 A. Yes.

03:13 20 Q. Okay. And on the next page the two of you started talking
21 about hadith. Is that correct?

22 A. Yes.

23 Q. And you started going through everything about a
24 particular hadith, narrations of it. And you said, "I read
25 about all the different chains." Do you see that? I'm right

1 here.

2 A. Yeah.

3 Q. Okay. And what that means is that you were reading about
4 whether or not one of the companions really said this and how
5 it came to be reported, correct?

6 A. Yes.

7 Q. And that's some pretty in-depth reading about these
8 hadith, was it not?

9 A. Right.

03:14 10 Q. And you were very interested in it, were you not?

11 A. Yes.

12 Q. Okay. And Tarek went on to talk about this. He said at
13 the bottom of the page with this hadith there are some
14 narrations that connect a particular person to his grandfather,
15 and he went -- he sort of talked about this at length, correct?

16 A. Yes.

17 Q. And you continued to talk about this hadith on the next
18 page, right? Am I right?

19 A. Yes. Sorry.

03:15 20 Q. All right. And the next page?

21 A. Yes.

22 Q. And the next page, right?

23 A. Yes.

24 Q. And the next page?

25 A. Yes.

1 Q. And the next page, right?

2 A. Yes.

3 Q. And finally the conversation ended. Do you see that? It
4 ended at 19:37. So I think that's 7:37, all right? And it
5 started at 18:31. So it's about an hour. It started at about
6 six and it ended about seven, right?

7 A. Yes.

8 Q. So for about an hour on a Sunday night in April you and
9 Tarek chatted back and forth purely about religious hadith,
03:16 10 correct?

11 A. Yes.

12 Q. And there were many times you did that, correct?

13 A. Yes.

14 Q. Now, Tarek also loved to buy and collect books on religion
15 and theology, didn't he?

16 A. Yes.

17 Q. And, in fact, he used to go back to Egypt with his parents
18 sometimes during the summer, correct?

19 A. Yes.

03:17 20 Q. And, in fact, your parents are from Egypt as well?

21 A. They are.

22 Q. And did you go back at times?

23 A. Not much.

24 Q. Not much?

25 A. Yes.

1 Q. But one of the things that Tarek would do in Egypt is that
2 he would buy books, right?

3 A. Yes.

4 Q. The books were cheaper there?

5 A. Yes.

6 Q. And it was -- there were certainly more available about
7 theology and Islamic jurisprudence, correct?

8 A. Yes.

9 Q. All right. And --

03:17 10 MS. BASSIL: Let's see. Can we have Exhibit 626,
11 please?

12 Q. And, in fact, you started -- you were interested in
13 collecting books as well, weren't you?

14 A. Yes.

15 Q. Okay. And if we look at Exhibit 626 at the bottom here,
16 all right, somebody had biographies for \$90. Do you see that?

17 A. Yes.

18 Q. And who was Fadak?

19 A. That's an online Islamic library store.

03:18 20 Q. Okay. And biographies of whom?

21 A. The early generations of Muslims.

22 Q. All right. And so they were going to have a sale at the
23 end of June -- they were going to have available this book for
24 \$90, correct?

25 A. Yes.

1 Q. And you said, "It's going to be super small print and I
2 think it's 13 volumes," right?

3 A. Yes.

4 Q. And a lot of these books that --

5 MS. BASSIL: Well, let's go to the next page.

6 Q. A lot of these books were in multi-volume, right?

7 A. Yes.

8 Q. So let's see. You talked about, "The guy Fadak will give
9 a good discount on the 365 one." Do you see that?

03:19 10 A. Yes.

11 Q. And what is the "365 one"?

12 A. It's the one that costs \$365.

13 Q. Oh, okay. And do you know what it was, though? What the
14 title was?

15 A. Yeah. Yes.

16 Q. That was the -- I'm a little confused. Is that the one
17 that you were talking about on the previous page?

18 A. Yes.

19 Q. Okay. And Tarek asked you, "How many volumes is it?" and
03:19 20 you said "28," right?

21 A. Yes.

22 Q. And Tarek said, "I guess I'll need a whole suitcase just
23 to bring it back from Egypt," correct?

24 A. Yes.

25 MS. BASSIL: Now, can we go to Exhibit 626? We are on

1 Exhibit 626. Let's go to the third page, I think? Okay. And
2 could we go to the bottom? Right here. Yup, that's perfect.

3 Q. Okay. So yesterday Mr. Auerhahn had you read about one of
4 the U.S. commanders was making fun of Zarqawi, about the tape.
5 Do you see that?

6 A. Yes.

7 Q. All right. And you said, "It's so funny. The guy's the
8 biggest idiot." Do you see that?

9 A. Yes.

03:20 10 Q. And was this a -- this was a video that was released where
11 it was shown that Zarqawi was sort of fumbling a large gun?

12 A. Right.

13 Q. Okay. Now, let's look at right before that, all right?
14 Right before that piece Tarek asks you if you know Yusuf Estes.
15 Do you see that?

16 A. Yes.

17 Q. And he told you he was speaking in Worcester. You asked,
18 "Who is he exactly?" "He's a former priest, a collar to
19 Islam." That means he converted, right?

03:21 20 A. Yes.

21 Q. And he said, "His whole family accepted Islam with him.
22 Great brother." And you said, "Man, that's awesome. I wish I
23 could go. I have work tonight." And he said, "Praise be to
24 Allah." And then you were the one who changed the subject to
25 talk about Zarqawi, correct?

1 A. Yes.

2 MS. BASSIL: We can take that off.

3 Q. Do you recall talking to Tarek about how you planned to
4 spend the summer studying religion and memorizing?

5 A. Yes.

6 Q. And, in fact, memorizing verses from the Qur'an, that is
7 something particularly honored, is it not?

8 A. Yes.

9 Q. In fact, when you and Tarek would talk, you would often
03:22 10 talk about one particular person was amazing because they had
11 memorized a huge number of verses.

12 A. Right.

13 Q. Okay. And it's hard to memorize them, is it not?

14 A. Yes.

15 Q. Now -- and, in fact, there are, online and on YouTube,
16 recitations of the Qur'an by various scholars, are there not?

17 A. Yes.

18 Q. And these are not political; these are not about jihad,
19 correct?

03:22 20 A. Right.

21 Q. And you would often ask Tarek if he could send you
22 recitations of the Qur'an by various scholars.

23 A. I don't recall.

24 MS. BASSIL: Could we have Exhibit 611, please? Okay.
25 If we could have the second page, please.

1 Q. Now, you told Tarek about Mashary Rashid. Who is that?

2 A. A famous reciter.

3 Q. A famous reciter. And you said, "The whole Qur'an, any
4 website." And he gave you a link to Islamway.com, correct?

5 A. Yes.

6 Q. And that is a website where there are recitations?

7 A. Yes.

8 Q. And the two of you talked about recitations. He said --
9 you said, "That's not the whole Qur'an," correct?

03:23 10 A. Right.

11 Q. And he said, "The only full album is the studio recitation
12 but this one sounds better," correct?

13 A. Yes.

14 Q. "It's only missing a few chapters"?

15 A. Yes.

16 Q. And he goes down to say, "He recorded this one when he was
17 24."

18 A. Right.

19 Q. Right? And that was seen by both of you as something that
03:24 20 was sort of an impressive thing to do, to have recorded a
21 recitation at the age of 24?

22 A. Right.

23 Q. And they're not reading the Qur'an; this is from memory,
24 correct?

25 A. Yes.

1 Q. These recitations are people just sitting there and
2 reciting.

3 A. Right.

4 Q. Okay. Now -- and if you look, by the way, it says "btw,"
5 which means by the way --

6 A. Right.

7 Q. -- you had an issue with one of your -- there had been an
8 issue with one of your friends, correct?

9 A. More of an acquaintance.

03:24 10 Q. More of an acquaintance. And the issue was about whether
11 you had a beard or not?

12 A. Yes.

13 Q. And you were kind of -- you felt hurt by that, didn't you?

14 A. Yes.

15 Q. And you talked to Tarek about it.

16 A. Right.

17 Q. And he talked to this person about it.

18 A. Yes.

19 Q. That that wasn't the right thing to do.

03:24 20 A. Yes.

21 Q. Now, you talked yesterday about the videos that Tarek sent
22 you and some audios. And these were -- we saw some of them --
23 of bombs or explosions, right?

24 A. Yes.

25 Q. You downloaded them?

1 A. Yes.

2 Q. You watched them?

3 A. Yes.

4 Q. You listened to them?

5 A. Yes.

6 Q. You never said to him, "Oh, it's okay. I've got enough.
7 I'm not interested"?

8 A. Right.

9 Q. Did you send them on to other people?

03:25 10 A. I don't remember if I did or not.

11 Q. Did you show them to your roommate?

12 A. I may have, yes.

13 Q. All right. Now, yesterday you talked about a video in
14 which someone was beheaded, correct?

15 A. Yes.

16 Q. And that made a big impression on you?

17 A. In what way?

18 Q. Well, it's pretty graphic; it's pretty gruesome.

19 A. Yes.

03:25 20 Q. All right. Did that upset you?

21 A. At the time, no.

22 Q. All right. Well, it certainly was something remarkable,
23 was it not?

24 A. Remarkable?

25 Q. Well, it stuck in your memory, didn't it?

1 A. Yes.

2 Q. And you never said anything in the grand jury about seeing
3 a video of beheading, did you?

4 A. I don't recall.

5 Q. Now, the purpose of looking at these videos, all right, it
6 was to draw attention to the plight of Muslims around the
7 world, correct?

8 A. Yes.

9 Q. And it also was -- and we saw in the video yesterday where
03:26 10 people would say, "Come join us," right?

11 A. Yes.

12 Q. But you never went to Iraq or Afghanistan?

13 A. No.

14 Q. You never indicated that you wanted to go fight, right?

15 A. I did in a conversation.

16 Q. I'm sorry?

17 A. I did in a conversation.

18 Q. But you didn't really mean it, did you?

19 A. No.

03:27 20 Q. In fact, you can't recall a single time while watching
21 those videos where someone got up and said, "Well, we have to
22 get up and do something"?

23 A. I can't recall exactly if those words were used, but...

24 MS. BASSIL: Page 35 of the grand jury.

25 Your Honor, can I show this to the witness, please?

1 Q. And if you would read from there to there to yourself,
2 please.

3 A. (Witness complies.)

4 Q. Okay.

5 A. Yes.

6 Q. So let me ask you the question again. You were asked,
7 "What was the purpose of listening to these speeches and
8 watching these videos," right?

9 A. Yes.

03:28 10 Q. And you said you guessed it was to draw attention to the
11 plight of Muslims around the world and to get people riled up.
12 "I don't know. I guess it was to get people riled up." That's
13 what you said, right?

14 A. Yes.

15 Q. And then you said, "I can't -- I can't recall a time where
16 they actually were watching these videos" --

17 MR. AUERHAHN: Objection, your Honor. She's reading
18 from the grand jury --

19 MS. BASSIL: So? I'm impeaching him.

03:28 20 THE COURT: Go ahead. You can have it.

21 MS. BASSIL: Thank you.

22 BY MS. BASSIL:

23 Q. "I can't -- I can't recall a time where they
24 actually -- where watching these videos actually led to them
25 saying" -- and the "them" refers to Tarek, Ahmed, Daniel

1 Spaulding, other people, right?

2 A. Right.

3 Q. "These videos actually led to them saying, 'Well, we have
4 to actually get up and do something,'" right? That's what you
5 said?

6 A. Right.

7 Q. Now -- and by the way, you said the first video you ever
8 saw was on a laptop in Kareem Abuzahra's car?

9 A. I said I believed that was the first one I saw.

03:29 10 Q. You think that was the first one?

11 A. I think so.

12 Q. Okay. And who was in the car?

13 A. It wasn't in the car; it was outside on the trunk.

14 Q. I'm sorry. I thought you said -- you said he had a
15 laptop?

16 A. Yes.

17 Q. And he showed you a video?

18 A. He was showing other people. And we were playing in that
19 parking lot at the mosque, and I happened to come by and watch
03:30 20 it.

21 Q. What was the video?

22 A. It was a Chechnya video.

23 Q. Now, you never told the grand jury about that video, did
24 you?

25 A. I don't recall.

1 Q. Now, yesterday --

2 MS. BASSIL: If we could have Exhibit 611, please?

3 And if we could have the next page? And the next page? And if
4 we could keep going? That's it. Okay.

5 Q. Yesterday with Mr. Auerhahn you discussed the fact that
6 you and Tarek talked about the September 11th hijackers,
7 correct?

8 A. Yes.

9 Q. And, in fact, you talked about different people and you
03:31 10 went -- you were both looking, I guess -- is this a photograph
11 you were looking at?

12 A. I can't remember if it was a photograph or a video.

13 Q. Okay. And if you would look -- okay.

14 MS. BASSIL: If we could have the -- from about here,
15 the bottom half of the page. Keep going all the way down.

16 Q. Now, in talking about these people, one of the things
17 Tarek pointed out about someone, what he said, "He memorized
18 the entire Qur'an in two months," right?

19 A. Yes.

03:31 20 Q. And he apparently memorized these, I believe: Bukhari,
21 Muslim, 40 Hadith and so forth, correct?

22 A. Yes.

23 Q. And to Tarek the fact that somebody had memorized this
24 much religious and theology work was significant, correct?

25 MR. AUERHAHN: Objection.

1 THE COURT: Sustained.

2 MS. BASSIL: Let me rephrase that.

3 BY MS. BASSIL:

4 Q. What Tarek -- when you and Tarek were talking about the
5 people who committed 9/11, one of the things he pointed out to
6 you at some length was that one of the hijackers had done a
7 great deal of memorization, correct?

8 A. Yes.

9 Q. And Tarek talked to you about how he was trying to
03:32 10 memorize the Qur'an, correct?

11 A. Yes.

12 Q. And you were trying to do it too?

13 A. Right.

14 Q. Now, let's talk --

15 MS. BASSIL: We can turn this off.

16 Q. Let's talk for a minute about the photographs at the World
17 Trade Center. Do you remember that photograph yesterday?

18 A. Yes, I do.

19 Q. Okay. Now, in fact, all of you -- in fact, you and Tarek
03:33 20 talked about going to New York. Is that correct?

21 A. Yes.

22 MS. BASSIL: And if we could have Exhibit 628, please?
23 And the next page, please.

24 Q. Okay. And you talked about going to Brooklyn, basically,
25 correct? Well, let me rephrase that.

1 A. No, I thought that was --

2 Q. When you and Tarek discussed going to New York, what you
3 were talking about, or what you were thinking about, was going
4 to an area in Brooklyn. Is that correct?

5 A. I thought it was Queens, but I could be wrong.

6 Q. Queens. I'm sorry. Atlantic Avenue?

7 A. Yes.

8 Q. And this is a Muslim area, is it not?

9 A. I don't know if it's classified as a Muslim area, but
03:34 10 there are a lot of Muslim stores on that street.

11 Q. There's a lot of Muslim stores; there's a lot of Muslim
12 bookstores?

13 A. Yes.

14 Q. There's a lot of restaurants, right?

15 A. Yes.

16 Q. And you had gone there more than once?

17 A. Yes.

18 Q. Okay. And so when you talked about going there --

19 MS. BASSIL: If we could blow up that middle part.
03:34 20 Actually, up a little. If we could start right there. Okay.

21 Q. Okay. You said to Tarek, "We should" -- "Dude, we should
22 go to New York sometime again." And he said, "Yeah, as soon as
23 you're out," meaning through with school?

24 A. Yes.

25 Q. Okay. "I need to get some stuff." And he said, "We never

1 prayed inside Masjid al-Faruq." And this was a mosque,
2 correct?

3 A. Yes.

4 Q. And this was -- in fact, we had talked about how Azzam had
5 come to the United States and asked people to go fight in
6 Afghanistan against the Soviets?

7 A. Yes.

8 Q. And, in fact, he had given one of those speeches in that
9 mosque, correct?

03:35 10 A. As far as I know, yes.

11 Q. Okay. And you're the one who said, "I want to see Ground
12 Zero during the day"?

13 A. Yes.

14 Q. Okay. Now -- and Ground Zero was pretty close to where
15 you were in Queens?

16 A. I don't think so.

17 Q. All right. When you got there, it was Ibrahim Ismail who
18 took pictures, correct?

19 A. I don't know if he took all of them, but I think it was
03:36 20 him.

21 Q. They were pictures from a cell phone?

22 A. Yeah, there was a cell phone, and if I remember correctly,
23 we had a camera as well.

24 Q. Okay. And you took -- you guys took lots of pictures,
25 didn't you?

1 A. I don't know if we took lots. We took a few.

2 Q. There was a picture of you in the backseat of the car?

3 A. Yes.

4 Q. There were pictures of Ibrahim in the car?

5 A. The duration of the trip.

6 Q. The duration of the trip?

7 A. Yes.

8 Q. Okay. And there was a picture of you and Tarek. And you
9 had your index finger raised, correct?

03:36 10 A. Yes.

11 Q. And you raise your index finger -- that's common in prayer
12 as well, is it not?

13 A. Yes.

14 Q. And it means "one God"?

15 A. Yes.

16 Q. After September 11th in this country it was difficult at
17 times to be a Muslim, was it not?

18 A. Yes.

19 Q. All right. Were there times that you did not feel welcome
03:37 20 here?

21 MR. AUERHAHN: Objection, your Honor.

22 THE COURT: Sustained.

23 Q. Well, let me ask you this: When you were at Ground Zero,
24 all right, is it fair to say that you felt that no matter how
25 you were treated or what people said about Muslims, this was

1 something pretty powerful?

2 A. I'm sorry. Could you repeat the question?

3 Q. Well, when you were at Ground Zero and you saw this, you
4 felt, is it fair to say, that this was pretty powerful?

5 A. The site?

6 Q. Yup.

7 A. Yes.

8 Q. Okay. And you were younger then. This was five years
9 ago, right?

03:37 10 A. Yes.

11 Q. And the term "jihad," that's from -- that's a part of your
12 religion. It's in the earliest part of the Qur'an, is it not?

13 A. Yes.

14 Q. And it calls for Muslims to fight against any invader who
15 is not a Muslim?

16 A. Generally speaking?

17 Q. Yes.

18 A. I guess so.

19 Q. And it talks about how Mohammad and his companions were
03:38 20 attacked when they were trying to spread Islam?

21 A. What does?

22 Q. The Qur'an and the hadith.

23 A. Yeah. Yes.

24 Q. Okay. And so when you looked at the term "jihad," you
25 also applied it to more -- you thought about it in terms of

1 more modern times, did you not, back in 2006?

2 A. Yes.

3 Q. Okay. And when you used the term it meant that you were
4 supportive of the people who fought against the Soviets in
5 Afghanistan, right?

6 A. Which term?

7 Q. "Jihad."

8 A. When I used the term?

9 Q. Yeah.

03:39 10 A. I'm not sure I understand the question.

11 Q. Okay. Well, when you talked about jihad in 2006 --

12 A. Yes.

13 Q. -- right, it referred to fights or battles by -- strike
14 that.

15 It referred to conflicts between Muslims and others?

16 A. Yes.

17 Q. Okay. For example, the Afghani Muslims against the
18 Soviets in 1989?

19 A. Right.

03:39 20 Q. The Bosnians against the Serbs?

21 A. Yes.

22 Q. The Chechens against the Russians?

23 A. Yes.

24 Q. And it included the United States invading Iraq?

25 A. Yes.

1 Q. And the United States invading Afghanistan?

2 A. Yes.

3 Q. It didn't mean that you believed you should attack the
4 United States.

5 A. No.

6 Q. Okay. And it didn't mean that you would go overseas and
7 fight against the United States.

8 A. So the term itself?

9 Q. Yeah.

03:40 10 A. I mean, that could vary in the context with which the term
11 is being used.

12 Q. Exactly right. It could depend on the context.

13 A. Right.

14 Q. Now, Tarek talked a lot about getting married, did he not?

15 A. Yes.

16 Q. And finishing school?

17 A. Yes.

18 Q. All right. And did he talk to you about wanting to live
19 in the Gulf states, in the Gulf area?

03:40 20 A. Yes.

21 Q. And by the "Gulf," he meant like Saudi Arabia or the other
22 countries?

23 A. Right.

24 Q. And he talked to you about the idea -- and you understood
25 that, that he wanted to live in an Islamic country?

1 MR. AUERHAHN: Objection, your Honor.

2 THE COURT: Overruled.

3 BY MS. BASSIL:

4 Q. You understood what he meant by that?

5 A. Yes.

6 Q. It is easier, is it not, to be a Muslim in Saudi Arabia?

7 A. Sure.

8 Q. You can pray five times a day publicly, right?

9 A. You can do that here too.

03:41 10 Q. Okay. But the Sabbath is on Friday, right?

11 A. It's not called the Sabbath.

12 Q. The equivalent of it. I'm sorry. It means that
13 businesses and stores, and so forth, shut down on Friday?

14 A. Right.

15 Q. Okay. And there is prayer on Friday?

16 A. Yes.

17 Q. Okay. And that's what Tarek wanted to do. He wanted to
18 move to Saudi Arabia?

19 A. He discussed plans like that, yes.

03:41 20 Q. Did he talk to you about the job he eventually got there?

21 A. Yeah.

22 Q. And, in fact, he got a job at the King Fahd Medical
23 Center, correct?

24 MR. AUERHAHN: Objection, your Honor.

25 THE COURT: Sustained.

1 BY MS. BASSIL:

2 Q. Now, yesterday you talked about a call from
3 Daniel Maldonado to Tarek. Do you recall that?

4 A. Yes.

5 Q. And Daniel Maldonado was someone -- I think you said you'd
6 only met him once, or maybe briefly?

7 A. I didn't even really meet him, but I happened to be in the
8 same room as him once.

9 Q. Okay. You didn't really know him?

03:42 10 A. No.

11 Q. Okay. And you said, I think, that he had moved to Egypt?

12 A. Yes.

13 Q. And then he had gone to Somalia. Is that correct?

14 A. Yes.

15 Q. And he had -- and you knew that he had called Tarek from
16 Somalia?

17 A. According to what Tarek told me, yes.

18 Q. And he wanted Tarek to come fight?

19 A. I'm not sure I understand.

03:42 20 Q. Moldanado was fighting in Somalia, was he not?

21 A. Yes.

22 Q. War had broken out?

23 A. Yes.

24 Q. Jihad was in Somalia, or not?

25 A. Yes.

1 Q. And he wanted Tarek to come over there?

2 A. Yes.

3 Q. And Tarek did not go, correct?

4 A. No.

5 Q. Now, you also mentioned, I think, that Ahmad Abousamra had
6 gone to Iraq.

7 A. Yes, I did.

8 Q. Okay. And that was in 2004?

9 A. I'm not sure.

03:43 10 Q. Okay. But Tarek did not go with him?

11 A. No.

12 Q. Now, yesterday --

13 MS. BASSIL: If we could have Exhibit 633, please?

14 And if we could -- great. Thank you.

15 Q. And yesterday you talked about your new favorite nashid,
16 correct?

17 A. Yes.

18 Q. And you brought this up to Tarek, did you not?

19 A. Yes, I did.

03:44 20 Q. And you told him that the chorus -- or it goes, "Oh,
21 mother, oh, mother, give me my machine gun."

22 A. Yes.

23 Q. And you said that was your favorite song?

24 A. Yes.

25 Q. Now, it's certainly not your favorite song now?

1 A. No.

2 Q. You've gotten older?

3 A. Yes.

4 Q. You've thought things through?

5 A. Yes.

6 Q. Your views have changed?

7 A. Absolutely.

8 MS. BASSIL: Can I have Exhibit 616, please?

9 Q. Now, do you remember that yesterday we looked at a poem?

03:45 10 Do you remember that? And I think Mr. Auerhahn read the poem?

11 A. I think I read it.

12 Q. Oh, you read it?

13 A. The long poem?

14 Q. Yes.

15 A. Yes.

16 Q. And on Saturday, March 18, 2006, Tarek asked you if you
17 were coming tomorrow night to the poetry thing. Do you see
18 that?

19 A. Yes.

03:45 20 Q. Okay. And you had to work, right?

21 A. Yes.

22 Q. And, in fact, what he was referring to was a Poetry Slam
23 at MIT. Is that right?

24 A. Yes.

25 Q. And the poem that you read, did you know that Tarek had

1 written it when he was 18?

2 A. I did not know that.

3 Q. Did he tell you that he had won third prize in the Poetry
4 Slam?

5 A. I did not know that.

6 Q. Now, Mr. Auerhahn asked you when you read that poem about
7 a martyr -- what -- the meaning of a martyr. Do you remember
8 that?

9 A. Yes.

03:46 10 Q. And a martyr can also be, under Islam, a person who
11 drowns. That is considered to be a martyr, correct?

12 A. According to some minor text, yes.

13 Q. And a woman who dies in childbirth can be considered a
14 martyr?

15 A. I haven't heard that narration.

16 Q. I want to talk now about Yemen, all right? And we
17 can -- thank you.

18 Now, Tarek talked about when he was in Yemen, correct?

19 A. Yes.

03:46 20 Q. And are you familiar with Yemen at all?

21 A. As a country?

22 Q. Yes.

23 A. Yes.

24 Q. And Yemen is a place with a lot of scholars, is it not?

25 A. Not mainstream, but yes.

1 Q. Okay. And it's a country where it had been cut off from
2 most of the modern world for a long time. Isn't that correct?

3 A. True.

4 Q. It's considered -- the Arabic spoken in Yemen is
5 considered the purest form of Arabic, is it not?

6 MR. AUERHAHN: Your Honor, I object to --

7 THE COURT: Yes. Sustained.

8 BY MS. BASSIL:

9 Q. Lots of people go to Yemen, to your knowledge, to study
03:47 10 there, do they not?

11 A. I don't know anybody --

12 Q. You don't know anybody? Okay.

13 A. -- who's gone to Yemen to study.

14 Q. Yeah.

15 A. I can't think of anyone off the top of my head.

16 Q. All right. But there are schools there?

17 A. Sure. Yeah.

18 Q. The photograph that I showed you of that library, that's a
19 school in Yemen, correct?

03:47 20 A. Yes.

21 Q. And it looked pretty primitive to you?

22 A. Yes.

23 Q. Sleeping bags on the floor, correct?

24 A. Yes.

25 Q. Not like UMass?

1 A. No.

2 Q. And when Tarek talked to you about it yesterday -- or when
3 you talked about what Tarek said yesterday, he said it was more
4 like a camp. Are you familiar -- I'm going to write this out,
5 all right? Even I can't read that.

6 Are you familiar with this word, "mu'askar"?

7 A. No.

8 Q. Okay. Now, what you -- yesterday --

9 MS. BASSIL: If we could have -- never mind. I
03:49 10 don't have the exhibit number.

11 Q. Yesterday you looked at a piece of an instant message
12 where Tarek said to you people walked around with guns and camo
13 jackets, right?

14 A. Can I see the conversation?

15 MS. BASSIL: Oh, I was afraid you were going to ask me
16 that. I'm not sure I remember the exhibit number for that.

17 MR. AUERHAHN: 610.

18 MS. BASSIL: Do you have it?

19 MR. AUERHAHN: 610, please. Thank you.

03:49 20 MS. BASSIL: I thought I was doing pretty well.

21 Page 5. Here we go. All right. And let's see.

22 BY MS. BASSIL:

23 Q. He said to you on the bottom there that "They all walk
24 around the camp with camo jackets and AK-47s." Do you see
25 that?

1 A. Yes.

2 Q. And are you familiar with Yemen as being a country with a
3 lot of tribes?

4 A. Yes.

5 Q. And people carry guns there?

6 A. Yes.

7 Q. It's part of daily life in Yemen?

8 A. I don't know.

9 Q. Okay. Now, Tarek said to you, "People walk around with
03:50 10 guns and camo jackets," and indicating to you that that was
11 unusual, or something different, certainly, right?

12 A. Yes.

13 Q. Okay. Now, if this were -- if he were talking about a
14 military training camp, it would not be unusual to see people
15 with guns and camo jackets, correct?

16 A. Right.

17 Q. Now, Tarek never talked to you about drills or shooting
18 guns, correct?

19 A. No.

03:51 20 Q. All right. And he did talk to you about going back to
21 Yemen to study.

22 A. Yes.

23 Q. Just going to a school, not a university, right?

24 A. Yes.

25 Q. And the schools he talked about, "You live with people and

1 you live around a scholar or the student of a scholar,"
2 correct?

3 A. Yes.

4 Q. And you were interested in that?

5 A. Yes.

6 Q. And you were interested in that as a school, as a place to
7 study and to learn more about your religion?

8 A. Yes.

9 MS. BASSIL: Now, in fact, can we have Exhibit 617,
03:51 10 please, page 9? Actually, I'm sorry, could you go to the page
11 before so I could put it in context?

12 Q. Okay. You and Mr. Auerhahn read this conversation where
13 he said, "If I try to go again, you would come?" And you said,
14 "Yes, dude. I'm dead serious." Do you see that?

15 A. Yes.

16 Q. And you said, "I swear. Let me know and I'll save money,"
17 right?

18 A. Yes.

19 Q. And he said, "Do you have anything right now?" I think
03:52 20 that referred to money because you answered 700. Do you see
21 that on the bottom?

22 A. Yeah.

23 Q. And you said, "I need more, obviously." He said, "Heck,
24 yeah." He told you he applied for another job today. And if
25 we could go to the next page, you said, "Three grand, right,

1 about?" Right?

2 A. Yes.

3 Q. And you said, "\$3,000" -- "I mean to go, \$3,000 is
4 probably how much I'd need." Do you see that?

5 A. Yes.

6 Q. And he said, "Yeah, because, like, if you want an
7 apartment for your wife, et cetera," and I think it says
8 "costy," but he probably meant "costly," right?

9 A. Right.

03:53 10 Q. So he was really talking about, and you were talking
11 about, going to live there, right?

12 A. Yes.

13 Q. Now, you said that Tarek did not speak openly about his
14 trip to Yemen, right?

15 A. Yes.

16 Q. He never said to you, "I went to Yemen for military
17 training"?

18 A. No.

19 Q. He never said to you, "I went to Yemen so I could go to
03:53 20 Iraq"?

21 A. No.

22 Q. He never said, "I went to Yemen so I could go to Iraq to
23 kill American soldiers." He never said that to you, correct?

24 A. He did not use those words, no.

25 MS. BASSIL: Now, if we could go back to -- I think

1 it's Exhibit 610. That's correct. And if we could go to the
2 next page, please. And if we could go to the bottom of the
3 page, right about here. There. That.

4 Q. You and Tarek were talking about reading. And by
5 "reading," you meant religious books, correct?

6 A. Yes.

7 Q. All right. And he asked you, "Does your father read?"
8 And you said, "He doesn't read them too much. He has the
9 books." And he said, "My father too." And Tarek said to you,
03:54 10 "You know, I was thinking we have to make a promise to each
11 other to try and stay on this path till we die. You know,
12 trying to gain 'ilm," or knowledge, right? And what -- and you
13 agreed that what the two of you wanted to do was to continue to
14 seek knowledge of your religion.

15 A. Right.

16 Q. Right?

17 A. Yes.

18 Q. This wasn't about going and seeking death as a martyr?

19 A. Not this, no.

03:55 20 Q. Now, you talked yesterday about a sermon that Tarek
21 gave --

22 MS. BASSIL: We could take that off.

23 Q. -- in which there was some controversy, correct?

24 A. Yes.

25 Q. And what he did was he read from a RAND report. Do you

1 remember that?

2 A. I do.

3 Q. You were there, were you not?

4 A. I was.

5 Q. Okay. And the RAND report -- what was your understanding
6 of the RAND report, or RAND?

7 A. I don't remember much of it. Like I said yesterday, it
8 was a report, I believe, released by the government
9 categorizing different ideologies of Muslims in America, and
03:55 10 concluding, based on those categorizations, which category was
11 the best fit, quote/unquote, for the United States.

12 Q. And, in fact, what Tarek talked about, or what he read,
13 was that -- and what he was upset about is that the report
14 suggested that fundamentalists should be discouraged?

15 A. That's one of the things that was discussed in the report,
16 yes.

17 Q. And, in fact, that the fundamentalists should be
18 challenged on their interpretation of Islam?

19 A. Based on that report, yes.

03:56 20 Q. And that efforts should be made to demonstrate the
21 inability of fundamentalists to rule. Do you remember that?

22 A. I'm sorry. Could you repeat that?

23 Q. Let me rephrase that. I'll move on from that. That
24 wasn't a very good question.

25 That in the report it said that "Journalists should be

1 encouraged to investigate issues of corruption, hypocrisy and
2 immorality in fundamentalist and terrorist circles." Do you
3 remember that?

4 A. I don't recall that.

5 Q. Okay. But basically, you understood the report was about
6 discouraging people who had a fundamentalist view of Islam?

7 A. Yes.

8 Q. And you would call salafis people who had a fundamentalist
9 view, right?

03:57 10 A. Yes.

11 Q. So the idea was that the government didn't want salafis in
12 America?

13 A. Right.

14 Q. And that's what Tarek's sermon was about?

15 A. Well, discouraging the fundamentalism, right.

16 Q. He didn't comment on the report; he just read it?

17 A. Well, I thought, like, the entire sermon was a commentary
18 on the report.

19 Q. Okay. By reading it?

03:57 20 A. Well, he read it toward -- the way that he structured the
21 actual sermon was that he gave a talk regarding remaining firm
22 on your religion. The second part and the ending was about --
23 was where he read the RAND report.

24 Q. Okay. And you understood that to mean that he was saying
25 this is what your government wants?

1 A. Yes.

2 Q. And that was upsetting to you?

3 A. Yes.

4 Q. Okay. And this was a sermon where?

5 A. The Sharon mosque.

6 Q. The Sharon mosque. And people at the Sharon mosque --
7 there are a lot of older people there?

8 A. Yes.

9 Q. And they were -- they're fairly conservative? And by that
03:58 10 I mean sort of conservative in their political views?

11 A. Right.

12 Q. And they didn't want this kind of talk in the mosque?

13 A. Right.

14 Q. Okay.

15 MS. BASSIL: Now, if we could go to Exhibit 618,
16 please. And I think it's page 4, please. Right. Okay.

17 Q. And I think we looked at this yesterday, or we read some
18 of it with Mr. Auerhahn. You said, "The circumstances we live
19 in today for leaving 'for peanut butter' are unique."

03:58 20 And you're talking about fighting, right?

21 A. Yes.

22 MS. BASSIL: Now, if you would move down to the bottom
23 of the page, all right? And if we could blow that up.

24 Q. All right. After this conversation where you're talking
25 about leaving for fighting, Tarek says to you, "Nice." You

1 said, "What? What?" "Dude, Shaykh Yasir Qadhi just wrote me a
2 recommendation" --

3 MS. BASSIL: Could we go to the next page, please?
4 And the top. Actually, the whole thing. The top is great.

5 Q. -- "for Medinah University," right?

6 MS. BASSIL: Can we blow that up, please?

7 Q. Okay. And he put many exclamation points. And you wrote.
8 "No waaaaaaaaaaaaay," meaning you were excited too --

9 A. Yes.

03:59 10 Q. -- right?

11 And you said, "That's awesome," okay? You knew that
12 Tarek had applied to go study at Medinah University in
13 Saudi Arabia.

14 A. I didn't know he actually applied, but I knew he wanted
15 to.

16 Q. This is what the recommendation was for.

17 A. Right.

18 Q. And Medinah University is a large university in
19 Saudi Arabia that specializes in studying, among other things,
04:00 20 Islamic jurisprudence.

21 A. Yes.

22 Q. It's known for that.

23 A. Yes.

24 Q. And it's also known for being very conservative
25 politically, correct?

1 A. Right.

2 Q. There's no jihadi views there?

3 A. I couldn't be sure.

4 Q. Okay. But, in fact, Saudi Arabia is a very conservative
5 country, is it not?

6 A. Yes.

7 Q. Politically and religiously?

8 A. Yes.

9 Q. And when he said, "Yasir Qadhi wrote me a recommendation,"
04:00 10 this is the person I was referring to earlier. He's a graduate
11 student at Yale?

12 A. Right.

13 Q. Now, you knew -- or you told us yesterday --

14 MS. BASSIL: We can take this down, please. Thank
15 you.

16 Q. -- that Ahmad Abousamra went to Iraq, correct?

17 A. Yes.

18 Q. And would you say that it was after he came back that he
19 seemed to be changed, or more severe?

04:01 20 A. No.

21 Q. It was like that before?

22 A. Yes.

23 Q. Okay. And yesterday you told us that he told you he went
24 to Fallujah?

25 A. Yes.

1 Q. And that he met a man?

2 A. Yes.

3 Q. And he had a picture of this man?

4 A. I don't know if -- he didn't have it with him at the time
5 but --

6 Q. He didn't? Okay. So he didn't show you a picture?

7 A. He did show me a picture at some -- at a different point,
8 but...

9 Q. Okay. And when did he show you this picture?

04:01 10 A. I don't recall, but it was sometime after -- sometime soon
11 after that conversation.

12 Q. And was it on the phone or was it, you know, a photograph?

13 A. He may have -- he pulled it up on the computer, I believe.

14 Q. Okay. And you had never mentioned this in the grand jury,
15 that he showed you a picture of a man he met when he went to
16 Fallujah?

17 A. I don't recall.

18 Q. You never said it before yesterday.

19 A. That doesn't sound right. I thought I mentioned it.

04:02 20 Q. All right. Well, do you think you might have mentioned it
21 in one of the interviews with Mr. Auerhahn and the agents?

22 A. Yes. Yes.

23 Q. Okay. And I think you told us that there were -- correct
24 me if I'm wrong. I think you said there were two interviews
25 after you went to the grand jury, one on September 23rd and one

1 last week? I don't want to be wrong about this. Were there
2 two or three?

3 A. I thought just two.

4 Q. Just two?

5 A. Yeah.

6 Q. Okay. Now, when you were friends with Tarek, 2005, 2006,
7 2004, and you were friends with this whole group of people --
8 and are you still friends with some of them?

9 A. Yes.

04:04 10 Q. Okay. You were -- all of you, you, yourself, were trying
11 to figure out where you fit in the world?

12 A. Sure.

13 Q. What it meant to be a Muslim?

14 MR. AUERHAHN: Objection, your Honor.

15 THE COURT: I think we've had some of this.

16 MS. BASSIL: Okay.

17 MR. AUERHAHN: But isn't it asked and answered more
18 like three times?

19 THE COURT: That's what I was saying.

04:04 20 MR. AUERHAHN: Oh, thank you.

21 THE COURT: Maybe this is a good place to pause,
22 unless you are just about finished.

23 MS. BASSIL: Sure. I am just about finished.

24 THE COURT: How just about?

25 MS. BASSIL: I would say five more questions?

1 THE COURT: Okay. Go ahead.

2 BY MS. BASSIL:

3 Q. Now, you said that your father had had open-heart surgery?

4 A. Yes.

5 Q. Is that right?

6 A. Yup.

7 Q. And this was when, in 2008?

8 A. Yes, I think so.

9 Q. And Tarek came to the hospital to see your father?

04:04 10 A. Yes, he did.

11 Q. And he came to your house?

12 A. Yes.

13 Q. And he told you he was going to be arrested by the FBI?

14 A. Right.

15 Q. And you were -- you got very scared, did you not?

16 A. I did.

17 Q. You certainly -- you didn't think you had done anything
18 wrong?

19 A. No.

04:05 20 Q. You felt you were free to speak out, to speak what you
21 wanted?

22 MR. AUERHAHN: Objection.

23 THE COURT: Sustained.

24 BY MS. BASSIL:

25 Q. You felt you were free to read what you wanted to?

1 MR. AUERHAHN: Objection.

2 THE COURT: Sustained.

3 BY MS. BASSIL:

4 Q. You said that you threw out everything that you had, books
5 and so forth, correct?

6 A. I didn't say I threw out everything. I began to dispose
7 of the material I had. And I'm not 100 percent sure if it's
8 all gone.

9 Q. Okay. Did you dispose of that book, "Messages of
04:05 10 Osama bin Laden"?

11 A. Yes, I believe I did.

12 Q. Did you dispose of the 9/11 report?

13 A. I don't know if I disposed of it or just hid it away,
14 but...

15 Q. And did you dispose of the book "The Oath" about the
16 Chechen insurgent?

17 A. No. No, I did not.

18 Q. And you said you either hid things away or disposed of
19 them because you were afraid?

04:06 20 A. Because I wanted to forget that.

21 Q. You wanted to forget it. Do you think you're just a
22 little bit angry that associating with Tarek has gotten you
23 into this trouble?

24 MR. AUERHAHN: Objection, your Honor.

25 THE COURT: Overruled.

1 You may answer.

2 BY MS. BASSIL:

3 Q. Do you think you're just a little bit angry that
4 associating with Tarek has gotten you into this trouble?

5 A. I am angry about it.

6 MS. BASSIL: I have no further questions.

7 THE COURT: All right. Right on the dot of one
8 o'clock.

9 MS. BASSIL: I told you.

04:06 10 (Laughter.)

11 THE COURT: We'll recess now, jurors. Enjoy your
12 weekend. Please remember the cautions I've given you about
13 discussing the case. We'll resume on Monday morning.

14 THE CLERK: All rise for the Court and the jury. The
15 Court is in recess.

16 (The Court and jury exit the courtroom and the
17 proceedings adjourned at 1:01 p.m.)

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C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: November 4, 2011